

Albert Harvey Dickerson to be first lieutenant, Infantry.  
 Leander LaChance Doan to be first lieutenant, Cavalry.  
 Arthur Edwin Solem to be first lieutenant, Field Artillery.  
 Theodore Kalakuka to be first lieutenant, Cavalry.  
 Charlie Wesner to be first lieutenant, Field Artillery.  
 Henry Magruder Zeller, Jr., to be first lieutenant, Cavalry.  
 Orville Melvin Hewitt to be first lieutenant, Infantry.  
 Harry Rex MacKellar to be lieutenant colonel, Medical Corps.

William Richard Arnold to be chaplain with the rank of lieutenant colonel.

#### REAPPOINTMENT IN THE OFFICERS' RESERVE CORPS

John Ross Delafield to be brigadier general, Ordnance Department Reserve.

#### APPOINTMENT IN THE OFFICERS' RESERVE CORPS

Edward Caswell Shannon to be major general, Reserve.

#### PROMOTIONS IN THE NAVY

##### MARINE CORPS

Edgar G. Kirkpatrick to be captain.

Bernard H. Kirk to be first lieutenant.

## HOUSE OF REPRESENTATIVES

MONDAY, MAY 15, 1933

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D.D., offered the following prayer:

We thank Thee, merciful Father, that with the birth of each day there comes the breath of freshness and life, full of wonder and growth to be revealed, and thus we know that all is well. By our fellowship in this Chamber may our ministries be helpful and our characters made stronger and nobler and purer. With all this world about us with its ebbs and tides, may we learn to know Thee in the hidden places of our breasts. Give us the heart, O God, to lift all labor above drudgery into a blessed, patient service. Bless us all with rejoicing and with the assurance of this day. At evening time, when its veil has begun to thicken, may we be conscious that we have put no cloud upon it and that our shadow has been love, our speech music, and our step a benediction. Through Jesus our Savior. Amen.

The Journal of the proceedings of Friday, May 12, 1933, was read and approved.

#### MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Horne, its enrolling clerk, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 5040. An act to extend the gasoline tax for 1 year, to modify postage rates on mail matter, and for other purposes.

The message also announced that the Senate had ordered that Mr. TOWNSEND be appointed a member of the committee of conference on the part of the Senate on the disagreeing votes of the two Houses on the amendments of the Senate to the bill of the House (H.R. 5480) entitled "An act to provide full and fair disclosure of the character of securities sold in interstate and foreign commerce and through the mails, and to prevent frauds in the sale thereof, and for other purposes."

The message also announced that the Senate insists upon its amendment to the bill (H.R. 5390) entitled "An act making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1933, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1933, and June 30, 1934, and for other purposes", disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BRATTON, Mr. GLASS, Mr. McKELLAR, Mr. HALE, and Mr. KEYES to be the conferees on the part of the Senate.

The message also announced that the Senate had passed a joint resolution of the following title, in which the concurrence of the House is requested:

S.J.Res. 50. Joint resolution designating May 22 as National Maritime Day.

#### MUSCLE SHOALS

Mr. McSWAIN. Mr. Speaker, by direction of a majority of the conferees on the part of the House, I present a conference report upon the bill (H.R. 5081) to provide for the common defense; to aid interstate commerce by navigation; to provide flood control; to promote the general welfare by creating the Tennessee Valley Authority; to operate the Muscle Shoals properties; and to encourage agricultural, industrial, and economic development, for printing under the rule.

#### SUSPENSIONS

The SPEAKER. This is suspension day.

#### CONFERRING DEGREE OF BACHELOR OF SCIENCE UPON GRADUATES OF NAVAL ACADEMY

Mr. VINSON of Georgia. Mr. Speaker, I move to suspend the rules and pass the bill (S. 753) to confer the degree of bachelor of science upon graduates of the Naval Academy, which I send to the desk and ask to have read.

The Clerk read as follows:

*Be it enacted, etc.,* That the Superintendents of the United States Naval Academy, the United States Military Academy, and the United States Coast Guard Academy may, under such rules and regulations as the Secretary of the Navy, the Secretary of War, and the Secretary of the Treasury may prescribe, confer the degree of bachelor of science upon all graduates of their respective academies.

The SPEAKER. Is a second demanded?

Mr. BLANTON. Mr. Speaker, I demand a second.

Mr. VINSON of Georgia. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Georgia is entitled to 20 minutes and the gentleman from Texas to 20 minutes.

Mr. BLANTON. Mr. Speaker, this is a most important matter, while it looks trivial. I think the Membership of the House ought to be here during the discussion. I make the point of order that there is no quorum present.

The SPEAKER. The Chair will count. [After counting.] One hundred and twenty-six Members present, not a quorum.

Mr. BYRNS. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The doors were closed.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 41]

Almon	Darrow	Kennedy, N.Y.	Rudd
Andrew, Mass.	Ditter	Kenney	Seger
Andrews, N.Y.	Dondero	Kerr	Shannon
Auf der Heide	Driver	Lea, Calif.	Sirovich
Bakewell	Eaton	Lee, Mo.	Snell
Bierman	Edmonds	Lehlbach	Somers, N.Y.
Boehne	Evans	Lewis, Colo.	Stokes
Boland	Fitzgibbons	Lindsay	Stubbs
Boylan	Focht	McDuffie	Studley
Brand	Fulmer	McGugin	Sullivan
Brooks	Gavagan	McLean	Summers, Tex.
Brunner	Gifford	McLeod	Sutphin
Buckbee	Goldsborough	Maloney, Conn.	Tinkham
Cannon, Wis.	Granfield	Marshall	Turpin
Celler	Hancock, N.Y.	Mead	Underwood
Claiborne	Harlan	Montague	Waldron
Clark, N.C.	Hart	Moynihan	Weldman
Connery	Hildebrandt	Muldowney	Wigglesworth
Cooper, Ohio	Hollister	Oliver, N.Y.	Williams
Corning	Hornor	Palmisano	Withrow
Cox	Johnson, Okla.	Parker, Ga.	Wolfenden
Culkin	Kee	Reed, N.Y.	Wood, Mo.
Cullen	Kennedy, Md.	Reid, Ill.	Young

The SPEAKER. Three hundred and thirty-nine Members have answered to their names, a quorum.

Mr. BYRNS. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

Mr. VINSON of Georgia. Mr. Speaker, for the benefit of the Members who came in after this motion to suspend the rules was made, I think it is important to call attention to the nature of the measure now before us for consideration. I have moved to suspend the rules and pass a bill which will confer upon the boys who graduate at West Point, at the Naval Academy, and at the Coast Guard Academy the degree of bachelor of science. This does not entail any cost whatever to the Government. When a boy graduates at either one of these academies today he receives nothing but a diploma. The purpose of this measure is to give to each one of them who passes his examination the degree of bachelor of science. That is all the bill does, nothing more and nothing less.

I yield 5 minutes to the gentleman from South Carolina [Mr. McSWAIN], the chairman of the Committee on Military Affairs.

Mr. McSWAIN. Mr. Speaker, the proposal here is to amend the bill reported by the Committee on Naval Affairs by substituting for it the language of a bill introduced by the gentleman from Minnesota [Mr. KNUTSON] and referred to the Committee on Military Affairs, seeking to confer the degree of bachelor of science upon the graduates of all three of the academies, the Military Academy, the Naval Academy, and the Coast Guard Academy. The advantage to the graduates of these academies, if that be done, is that those who will not be commissioned in the service for which they are being trained—and there will be many in that group because of the necessity for economy—will find, when they go into private life to seek perhaps to continue their professional studies, in universities and colleges, it will be an advantage to have actually a legally conferred degree of bachelor of science.

In my humble judgment the conferring of this degree upon these graduates is amply justified by the course of instruction given in these institutions. I happen to know from long contact something about the course of study required in private, denominational, and State institutions for the degree of bachelor of science. I know something, also, about the courses of study relating to scientific subjects prescribed by these three academies in question. I say with complete confidence, with the course of study, thoroughness of instruction, and the comprehension of scientific subjects involved, that the graduates of these academies are undoubtedly entitled to academic honors equal to the graduates of most of the private, denominational, and State institutions now conferring that degree. Therefore it is no entrenchment upon academic circles, it is no invasion of academic honors to give this. It will be of convenience to the graduates, and it will not involve one dollar of expenditure from the Treasury. I cannot see any just reason why this should not be done.

Mr. HASTINGS. Mr. Speaker, will the gentleman yield?

Mr. McSWAIN. Yes.

Mr. HASTINGS. How does the course of study at the Coast Guard Academy compare with the course of study at West Point and Annapolis?

Mr. McSWAIN. While it is true that perhaps the course of study at the Coast Guard Academy is not as far advanced in certain subjects, particularly what we might term the liberal arts, and perhaps not quite so thorough, yet even the course at the Coast Guard Academy and its thoroughness is, in my judgment, equal to the course of study prescribed in some of the institutions in the gentleman's State and in my State which do now confer the degree of bachelor of science.

Mr. HASTINGS. Is it a 4-year course at the Coast Guard Academy?

Mr. McSWAIN. Oh, yes.

Mr. HASTINGS. And do they require an examination to enter, like Annapolis and West Point?

Mr. McSWAIN. Exactly. They have certain minimum standards of education for entrance, and of course after they come in the course is very thorough.

Mr. KNUTSON. Will the gentleman yield?

Mr. McSWAIN. I yield.

Mr. KNUTSON. The question has been raised with reference to the Coast Guard course of study. The only difference between the curriculum in the Coast Guard and the Naval Academy is that the Naval Academy gives higher gunnery. It would seem that at this particular time, when perhaps half the graduates of these academies will go out into private life, it would assist them materially. For instance some of them would engage in teaching if they would give them a degree. It would not cost the Government a cent if this bill is passed.

Mr. BLANTON. Mr. Speaker, where did Professor KNUTSON get all that information?

Mr. McSWAIN. The gentleman from Minnesota has been in contact evidently with some other gentleman of great intelligence like himself.

I think this legislation is entirely justified. It costs nothing. It will be a great convenience to these graduates who do not go into the services, and I favor the legislation.

The SPEAKER. The time of the gentleman from South Carolina [Mr. McSWAIN] has expired.

Mr. VINSON of Georgia. Mr. Speaker, I ask the gentleman from Texas [Mr. BLANTON] to use some of his time.

Mr. BLANTON. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, probably I shall be the only Member here who will vote against this bill. Nevertheless, I shall vote against it, even if I stand up alone, because I am convinced that it is not a wise governmental policy. I am as good a friend of the midshipmen at Annapolis and of the cadets at West Point and of the Coast Guard, as is any other Member of this House. I have been just as active for them and just as sympathetic with their work and their problems as any other colleague. It so happens that one of my appointees at Annapolis came from one of the poorest families in the United States, and yet he was the first honor man in his graduation class at Annapolis.

I am not seeking to do an injustice to any of those men. I want to do them absolute justice, but at the same time I want to do justice to all the other thousands of thousands of young men all over the United States. And I want to do justice to all of the institutions of learning in the United States.

The trouble with this Nation today is due, more than anything else, to the fact that Congress has been voting "yes" to too many bills of this kind. Congress has been passing measures without giving them serious thought. Things are continually brought up here and passed by unanimous consent. Members cannot see "where they will do any harm" and they vote "yes", and the bill is passed, and the country suffers on account of it. I think at this time, more than at any other period in our history, we ought to hesitate before passing these pet schemes that are continually brought up here to favor particular classes.

The boys who get to go to the United States Naval Academy at Annapolis and to the Coast Guard Academy and to the United States Military Academy at West Point are favored over all of the other boys in the United States. They get their appointments and their examinations free. Other boys going to other colleges have to pay to be examined. Our cadets are paid their expenses up to these academies. It does not cost them one penny. Other boys have to pay their way to their schools. Our cadets are granted hospital service, free nurses, free doctors, and free medicine. All other boys going to other schools must pay for these services. Our cadets are given a full course of study at these Government academies, with splendid training, a course that other boys must work hard at night for and pay for themselves. In addition, our cadets are allowed at Annapolis \$780 a year allowance and, in addition to that, 75 cents commuted ration allowance per day. At West Point they are given \$800 a year allowance and also commuted ration allowance of 75 cents a day. In the Coast Guard they are given \$780 a year allowance and also commuted ration allowance of 75 cents a day. And when they graduate they have usually about \$1,000 to their credit, besides 4 full years of training and education. Other American boys have nothing left but to start life flat broke. When



our cadets graduate they get a diploma from Annapolis, they get a diploma from West Point, and they get a diploma from the Coast Guard. Is that not sufficient? Why should they want something else? It is because they will need it in the commercial world. It is not fair to the thousands of boys in every State who have to work their way through universities, who have to study hard at night, who often even have to wait on the table in a menial position in dining rooms to pay their way through college and get their degree.

It is not fair to them if you give our cadets this diploma from these institutions and then confer upon them the degree of bachelor of science. It is not treating the other boys fair. It gives our cadets an advantage over all of the other boys of this country. They can say, "I have a bachelor of science degree and I also have a diploma from the military establishment at West Point", or they can say, "I have a diploma from the Naval Academy at Annapolis and a degree of bachelor of science. You should prefer me over these other boys from Columbia, from Michigan University, from Chicago University, from Leland Stanford, from Princeton, Yale, and Harvard. You should prefer me, forsooth, because I have two degrees. I have a diploma from the academy and I have the degree of bachelor of science." Why should we do that for our cadets?

Mr. BRITTEN. Will the gentleman yield?

Mr. BLANTON. As my time is so very limited, I want my friend to get his time from the gentleman from Georgia [Mr. VINSON].

Mr. BRITTEN. I do not want time, but we cannot hear what the gentleman is saying. Will the gentleman yield for a question?

Mr. BLANTON. Certainly.

Mr. BRITTEN. I may say to the gentleman from Texas that because his face has been turned that way most of the time we on this side of the Chamber do not know whether he is for or against this resolution.

Mr. BLANTON. I did not think the few votes left on the Republican side mattered. So I was talking over here to our numerous Democrats. [Laughter.] I am going to come over to the gentleman's side of the Chamber and talk in a minute.

Mr. BRITTEN. Will the gentleman tell this side of the House whether he is for or against this resolution?

Mr. BLANTON. I will do that in a minute, and I will not take it out of the gentleman's time but will use my own. It is quite likely that I may be the only Member here who votes against this bill. But I am against it, and am going to vote against it. It is popular because all the cadets want it and their professors want it. But I am thinking of all of the rest of the American boys back home.

[Here the gavel fell.]

Mr. BLANTON. Mr. Speaker, I yield myself 2 more minutes.

Mr. Speaker, the great trouble with all these admirals, Admiral BRITTEN, Admiral VINSON, and the various generals, General McSWAIN and General HILL, is that they have been associating with admirals and generals so long they now think and speak their language. The retired admirals and generals have taken over the great commercial positions of life. Of these retired admirals and generals, drawing for life their retired pay as admirals and generals, many are holding positions with big corporations paying as high as \$50,000 a year in the commercial enterprises of the United States. It is because of their prestige, if you please, they have gotten free from the Government. It is not fair to the other men and the other boys of the United States who have not been so favored by the Government.

If you get an Army pay bill or a Navy pay bill and read it, you cannot tell what it means as to the emoluments they receive, but have to employ the services of an auditing expert to find out. Why, even CARL VINSON, our present great chairman of our great Naval Affairs Committee, a few minutes ago could not even tell me what allowances these boys got, did not even know they got a commuted ration allowance. These Army and Navy pay bills are written in technical language so no one outside the service can understand

them. The great trouble is they do not want to let Congressmen know what these bills mean; they do not want the public to know what they draw.

I think we have done enough for these boys, and I do not think we ought to pass these bills.

[Here the gavel fell.]

Mr. BLANTON. Mr. Speaker, I reserve the balance of my time.

Mr. VINSON of Georgia. Mr. Speaker, I yield 3 minutes to the gentleman from Arkansas [Mr. GLOVER].

Mr. GLOVER. Mr. Speaker, not more than 2 weeks ago I had the privilege of serving on a committee appointed by the President of the United States, by the Vice President, and by the Speaker of the House to visit Annapolis and make an inspection of that institution.

I may say as one who has had some experience in teaching—I was a teacher myself for 10 years—that the Academy at Annapolis is one of the finest institutions of learning in the United States. It is thorough and is doing its work well.

To my surprise when I went there I found a sad expression on the faces of a number of the pupils. Having studied there 4 years, and expecting to graduate this year, not knowing that Congress would pass the statute we recently did, they are naturally disappointed for they expected to be commissioned. We are responsible for the fact that we must pass this legislation. We passed an act which provided that not more than half of those graduating could be commissioned. Half the class are now deprived of the opportunity of being commissioned and they will not receive a penny. More than that they will be turned out of the institution without any showing of the achievement they have made in the 4-year course of study.

They are very anxious that at least this little courtesy be shown them by Congress. They want at least to have something to show for what they have accomplished in point of education.

If my good friend the gentleman from Texas [Mr. BLANTON] should go over to Annapolis and associate with the 1,700 or more boys now there studying and marching to the tap of discipline, I do not think he would stand on this floor and oppose this measure of simple justice.

Mr. BLANTON. I was over there the other day. I saw everything there that my friend from Arkansas witnessed. I conferred with all of my appointees there, and also had a pleasant visit with several officers.

Mr. GLOVER. I do not believe the gentleman was there long enough to learn anything. [Laughter.]

I imagine the gentleman from Texas went over there in order to be prepared to criticize this bill, because it would have been the law now but for the gentleman from Texas. It passed the other body and came here last session of Congress. Unanimous consent was asked for its consideration, and the gentleman from Texas is the man who stopped its speedy passage.

Mr. BLANTON. I stopped it because I thought it was unwise. Mr. Speaker, will the gentleman yield for a question?

Mr. GLOVER. Yes.

Mr. BLANTON. When the gentleman went to Annapolis did he pay his way? I paid all of my own expenses, when I went to Annapolis, just as I pay my own expenses when I check up other Government institutions.

Mr. GLOVER. I may say to the gentleman that I paid my own hotel bills, \$4 a day. [Applause.]

I may further say to the gentleman that if he thinks he can make any money out of a 3-day trip over there to try it, then come back and count his money. [Laughter.]

[Here the gavel fell.]

Mr. VINSON of Georgia. Mr. Speaker, I yield 2 additional minutes to the gentleman from Arkansas.

Mr. GLOVER. Mr. Speaker, I certainly hope no man in this House will follow the leadership of the gentleman from Texas and vote against this bill. I do not believe there ought to be a vote against it in this House. I do not believe any man who would go to Annapolis and study the situation,



and realize what an efficient institution it is, would vote against this bill.

This does not cost the Government 1 penny, not 1 penny. On the other hand it saves the Government money.

If these men were commissioned they would go out and draw their pay as ensigns, but in this way they do not draw such pay. They are just as capable and just as ready for service as if they had been given a commission and they can be called out at any time the Government wants them.

I say this is a fine solution of the question, because the time may come when we will need to call out every one of these boys, and the degree which they are to get, bachelor of science, is no greater degree than they are entitled to. It is not a higher degree than that given by some of our universities or some of our colleges that are issuing such degrees now. I say this because I know what I am talking about.

I do not know so much about the Coast Guard school, but I do know that the schools at Annapolis and West Point certainly reach the standard of bachelor of science in their teaching, and go much further than that. I certainly hope that this House will not slap these boys, who have stayed there and toiled and studied for 4 long years, in the face, when they thought they were to be given a commission. Let us at least say to these boys that they are entitled to the standard of efficiency and education that they have actually attained by hard study. [Applause.]

Mr. BLANTON. Mr. Speaker, I yield 5 minutes to the gentleman from Oklahoma [Mr. McCLINTIC], who is a former chairman or ranking member of the Naval Affairs Committee.

Mr. McCLINTIC. Mr. Speaker, I hope I may have the attention of the House for just a few minutes. I served long enough on the Naval Affairs Committee to learn that whenever they brought in a bill and said it did not cost the Government anything to immediately begin to hunt for the joker.

On occasions prior to this I have called attention to the enormous cost of maintaining the Annapolis Academy in comparison with West Point. I venture to assert that we use over there three times as many employees as any other educational institution in the United States that has the same number of pupils.

I do not say that I particularly object to this provision, but I want to tell you why it is being done. They know and you know that unless you can hold out some inducement to the boys who graduate that it will mean a decreased enrollment, and a decreased enrollment means a curtailment of expenditures. You may not know it, but I do, that the cost of the maintenance of this institution is practically as high as it was during the World War; and you know as well as I that we have so many Army and Navy officers in Washington that in order to keep them from wearing out their right arms saluting each other there is an order to keep them from wearing uniforms; and you know further that prior to the World War we housed all of these officers in the State, War, and Navy Building, but now it takes about 10 acres of room to take care of the set-up. We have another set-up now, and if I could have my way I would send these officers out to the posts where they belong rather than have them congregate here in Washington.

I believe in economy at a time when the country is in a bad condition. I have no particular objection to giving these boys this kind of a degree; but as sure as you do this it means we have got to maintain these expensive set-ups in the future. So I feel it is my duty to bring these facts to the attention of the House and then let you do as you please.

Mr. BLANTON. Mr. Speaker, I yield 2 minutes to the gentleman from Alabama [Mr. ALLGOOD].

Mr. ALLGOOD. Mr. Speaker, I think we are really doing the graduates of Annapolis and West Point an injustice by merely holding out to them the opportunity to get a little B.S. degree, when we promised them a commission, which means to them a job. That is what we promised them and this promise is wrong and we ought to correct it by reducing the scholarships.

This wrong should have been corrected in the bills as they came up this year. I had an amendment written out to be offered to the West Point provision of the bill when that appropriation bill was up for passage, but I was invited by President Roosevelt to go on the inspection trip to Muscle Shoals, Ala., and the bill was passed while I was away.

We are graduating more men from these institutions than can be commissioned. What we need to do is to cut down on the number of men who can go there and thereby reduce the expenditures for these institutions. It is, to a certain degree, political favoritism. If we Members of Congress had to pay for these scholarships at Annapolis and West Point we would not do it, and yet we take credit for it back home by saying that we sent so-and-so to Annapolis or to West Point.

I think that in view of the fact that Congress has cut down on Government wages and on soldiers pensions, we ought to come along and economize in every possible way.

I am bringing this point to your attention and to those who will be in charge of the bills for the Army and Navy at the next session of Congress, that if the number of cadets and midshipmen who are permitted to enter West Point and Annapolis are limited to the number that can be given commissions, it will cause a saving of approximately a million dollars a year at these institutions.

Mr. BLANTON. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota [Mr. KNUTSON].

Mr. KNUTSON. Mr. Speaker, there seems to be some misapprehension on the part of the House as to the relative standings of these institutions. Several Members with whom I have spoken were under the impression that the Coast Guard Academy has a 3-year course. Let me say that it was changed to a 4-year course 2 years ago, and the curriculum at the Coast Guard Academy is on all fours with the Naval Academy at Annapolis, save in this one particular. At the Coast Guard Academy the students get more maritime and customs law than they do at the Naval Academy. They get more navigation and maritime law, while at the Naval Academy they get more instruction in higher gunnery. That is the only difference between the two. As far as the other qualifications are concerned they are practically identical to all intents and purposes.

The reason for this legislation is this. Two years ago a young man graduated from the Naval Academy. He was not commissioned because of physical disability incurred in athletics at that institution. He applied for position as instructor in mathematics at a high school in the Middle West.

The faculty wanted to employ him as he was in every way competent, but found that they could not do so because he did not have a degree.

Is there anyone here who will deny that a graduate of any of these academies is not fully qualified to teach mathematics in any form in any school? We are simply helping these boys who are not going to be commissioned. It is not going to help those who are commissioned, but it is going to help the boys who are not commissioned, because it will enable them to get positions in those institutions of learning where they cannot now be employed without a degree.

I fail to agree with the logic of the gentleman from Oklahoma. We are simply proposing to grant this degree to those boys who are not commissioned in order to help them make a living and be self-sustaining. [Applause.]

[Here the gavel fell.]

Mr. BLANTON. Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut, Colonel Goss.

Mr. GOSS. Mr. Speaker, I am not going to vote for H.R. 2834 this morning because of the Coast Guard.

The gentleman from Minnesota said that 3 years ago they had a 3-year course. Within the last few years they have built a new Coast Guard station in my State. I do not think it is fair to give these boys a degree in the Coast Guard at the present time. I am for it for the Military Academy and the Naval Academy, but I am not for it for the Coast Guard.



Mr. VINSON of Georgia. Will the gentleman yield?

Mr. GOSS. Yes.

Mr. VINSON of Georgia. Does not my friend think that this is in the interest of economy and would be a wise thing to do, and not in the interest of the curriculum at all?

Mr. GOSS. What is the reason for doing that?

Mr. VINSON of Georgia. It is in the interest of economy.

Mr. GOSS. If this bill included the Military Academy at West Point and the Naval Academy at Annapolis, only, I think the situation would be far different from what it is right here today. Until the Coast Guard matter is taken out, I hope the bill will be defeated.

Mr. BLANTON. Mr. Speaker, I realize that this bill will pass. But if I am the only one to stand up, I shall vote against it. It is a most unwise measure. It is a bad governmental policy. It is unsound economically.

I have done my duty in trying to stop it. The responsibility is upon the shoulders of those who vote for it.

For my last appointment, last December, I had the Civil Service Commission hold a competitive examination in Texas in 12 cities in my district. Fifty-six high-school graduates were applicants for that appointment. That shows the great desire of the American youth to go to one of these free Government academies, where everything is furnished plus a handsome yearly allowance.

Mr. LOZIER. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. I regret that I cannot just now, as my time is limited. When I conclude I will gladly yield. I ask gentlemen who intend to vote for this popular bill whether they are treating the other boys of the United States fairly when they do so. You are not carrying on any free Government university of the first class for the other boys down at Graham, in Young County, or over in Benton County or in Wise County or in Throckmorton County, in my friend's district—and I believe he asked for time to speak for this bill. What are you going to say to those other boys down in Texas who cannot go to Annapolis or to West Point?

Mr. McFARLANE. I will tell the gentleman in a minute.

Mr. BLANTON. How is the gentleman going to explain to them that when they go to a university to get a bachelor of science degree they have to pay everything—their own way—they have to pay to be examined, and they have to buy their own food and clothing and their own instruction and books, and they have to pay for their own doctors and nurses and medicines and hospitals; and then, if they can worry through the 4 years, they may get a degree.

In this matter we are furnishing our cadets with their examinations free, with their traveling expenses to go to the academy from their homes, with their food and lodging, and clothing and instruction and hospital treatment, doctors' bills, nurses, medicines, and special training in social arts—everything free, and allowing them \$780 a year for Annapolis and the Coast Guard and \$800 for the Military Academy at West Point. When they graduate, all of them have about \$1,000, more or less, to their credit. They are taught how to dance, just how they should put their arms around the girls, and are given a full course in social etiquette. But other American boys are denied all these privileges. Is that treating the other boys of the country fairly? I am not for giving them more than their diploma.

The Naval Academy was created for one purpose only, and that was to prepare and train naval officers for naval defense. The United States Military Academy at West Point was created to prepare Army officers for military defense, and the Coast Guard Academy is to prepare them for Coast Guard service. They are not academic institutions; they are military institutions, pure and simple. This whole idea of granting degrees was gotten up by a bunch of professors over here, not by the boys. These professors want to keep their personnel intact, and want to have their salaries raised; they want to have their teaching force increased; they want to retain the ones they already have there. As the gentleman from Oklahoma said, they are top heavy now in the teaching staff. They will say if you are going to confer bachelor of science degrees, you will have to give us the

necessary equipment so that our bachelor of science degree may be recognized by the colleges and universities of the country.

Mr. LOZIER. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. LOZIER. Mr. Speaker, the gentleman speaks about the great number of applicants for these positions. Is that not because of economic conditions, because these boys have not the money to go to ordinary colleges and universities?

Mr. BLANTON. No; not altogether. I had applications from them in war time, from boys 16 and 17 years old, who knew that they were going to be equipped for war purposes. I have had many applications every year. While I realize full well that there is no chance whatever to defeat this bill, I have done all within my power to stop it. I have done my full duty according to my judgment and conscience.

Mr. VINSON of Georgia. Mr. Speaker, I yield the remainder of my time to the gentleman from Texas [Mr. McFARLANE].

Mr. McFARLANE. Mr. Speaker, I was amused at the statement of my colleague from Texas [Mr. BLANTON], who seems to be so worried about the great cost involved in this measure and the degree that we are going to give to these boys who spend 4 years there making the fight of their life to finish at these wonderful schools. I know and you know that these schools are second to none in the world, and when a man has finished his work and completed his course at any one of these schools, he is on a parity, so far as education is concerned, with that received at any school in the world, especially from a scientific standpoint. My friend and colleague from Texas would have you believe that we should not grant them this degree. Let us examine that thought for a minute. A boy goes to the trade school. Do they turn him out without a degree? Certainly not. They give him a degree. The trade schools are all Nation-wide, mostly supported by taxpayers of the country. The same is true of our State colleges and universities. Do they turn boys out without a degree? Certainly, they do not. Why should we be unfair to the boys who fight the battle and attend our academies of the Army and the Navy schools?

The gentleman would have you believe that we are doing too much for these boys in granting them the degree of bachelor of science, which they richly deserve. These schools are members of the American Association of Universities and Colleges. They are on a parity with any school in the country. They do the work. There is no question about that. Then why should they not receive their proper recognition? This Congress is very largely responsible for this condition existing at this time.

Mr. ZIONCHECK. Will the gentleman yield?

Mr. McFARLANE. In just a moment. My time is very limited. If I have time after I finish, I will be glad to yield.

This situation is due to a measure put through in the last Congress, and I understand my colleague was in a large way responsible for the 50-percent cut, and I understand 50 percent or thereabouts of these boys will go out into the world without receiving a commission. What do we find the situation to be?

If the business world knew what this Congress knows and what those familiar with the work of the academies know, this bill would not be necessary, but when one of the graduates of those schools goes out into the business world to apply for a position they ask him, "What degree do you hold?" Or if he applies for a teaching position, they ask him, "What degree do you hold?" He is forced to tell them, "I do not have a degree. I have a diploma that shows I am a graduate of this school." In all fairness to the graduates of these schools I believe you will agree with me that we should support this bill. We ought to vote for it unanimously, to keep faith with these boys. These boys are working their way through school, working every minute of the day from dawn until dark, just as the boys are working their way through other schools. They work for every thing they get. Let us not break faith with those boys. In time of trouble we look to these boys to defend our country; certainly they are entitled to this little degree of consideration. Let



us vote for this bill and give them the degree they so richly deserve.

Mr. HILL of Alabama. Will the gentleman yield?

Mr. McFARLANE. I yield.

Mr. HILL of Alabama. The truth is this bill has passed the Senate, and it has been favorably reported by the House Committee on Military Affairs, and the Naval Committee as well.

Mr. McFARLANE. Unanimously.

Mr. HILL of Alabama. If this Congress would vote down this bill today, it would be a reflection on the fine work of those young men in the academies.

Mr. McFARLANE. That is exactly right. The gentleman is correct.

Mr. COCHRAN of Missouri. Will the gentleman yield?

Mr. McFARLANE. I yield.

Mr. COCHRAN of Missouri. I agree with the purpose of the bill, but I think the gentleman has misstated a fact. The gentleman said these boys work their way through. They work to get through school, but the gentleman knows the United States Government, once he enters the school, takes care of that boy until he is discharged, and it does not cost him a 5-cent piece.

Mr. McFARLANE. Perhaps the gentleman did not understand my view of the situation. I say they worked every minute of the day during the curriculum, better qualifying themselves to carry on the work of the United States when they become officers and enter into the kind and character of work they are called upon to do.

Mr. BRITTEN. Will the gentleman yield?

Mr. McFARLANE. I yield.

Mr. BRITTEN. There is being scattered about the House a copy of the bill, S. 753, and most of the Members are of the opinion that that is the bill to be voted upon. The fact of the matter is that it has been very materially amended, so as to include the Military Academy at West Point and the Coast Guard Academy. If most of us had an opportunity to do so, we would vote against including the Coast Guard Academy, because the Coast Guard Academy is no school, never has been a school, comparable to the Military Academy or the Naval Academy. It is a 3-year course.

Mr. McFARLANE. I only yielded for a short question.

Mr. BRITTEN. I wanted the gentleman to make clear to the House that this bill, S. 753, is not being voted upon at all, but a substitute, where everything was stricken out but the enacting clause.

Mr. McFARLANE. In answer to the gentleman, I think it is understood that the chairman of the committee, Mr. VINSON, has offered an amended bill, which provides that the graduates of these three schools, each of which has 4-year courses to do the work, are to receive this degree. They are doing the scientific work involved which qualifies them for the bachelor of science degree which they will receive, and they would receive that same degree if they did the same kind and character of work in any school of the United States. The requirements of these academies, I believe, meet the requirements of any school in the United States granting this degree.

This bill if enacted into law will not cost the Government a penny. It merits your unanimous support. [Applause.]

Under the amendment offered by Mr. VINSON, Chairman of the Naval Affairs Committee, all graduates of the United States Naval Academy, the United States Military Academy, and the Coast Guard Academy are to be entitled to receive the degree of bachelor of science. Under the present law graduates of these schools receive nothing but a diploma other than those fortunate graduates who are selected to the rank of ensign in the Navy or second lieutenant in the Army or ensign in the Coast Guard, which in 1933 and for several years in the future will likely not be more than 50 percent of the graduating class of each school.

The curriculums of the schools are on a parity with those of the leading engineering and technological schools of the country and are amply high and sufficient to warrant the granting of the bachelor of science degree to its graduates.

The act of May 6, 1932 (Public, No. 122, 72d Cong.) authorizes the President to commission at least 50 percent of the graduates of these schools. It is anticipated that in June 1933, one half of the graduating class will receive commissions and the other one half will have to go into civilian life. It is estimated that in future years about the same ratio of the graduating class will be unable to get a commission. In addition to these there are each year several graduates who are required to resign on graduation by reason of physical defects or injuries received while in school, such as defective vision, broken teeth, etc.

The degree of bachelor of science will be of great benefit to these graduates in civil life. Considering the entrance requirements and the curriculums in the different schools, these institutions as technical schools are comparable with our leading engineering schools which confer such degrees upon their graduates. Their courses are equal to 4-year college courses and are so considered by the universities and colleges to which their postgraduate students are sent.

The diploma alone from these academies is assurance of ability and worth along lines of mental, physical, and character development to those acquainted with the activities of the academies; but those graduates who leave the service will come in contact with many people unacquainted with these institutions and who will not place the value upon the diploma that it justly deserves. A degree of bachelor of science will materially assist such graduates in seeking employment as well as their admission into schools of higher education. Such a degree will give graduates something to strive for when a commission is unlikely, and will without question raise the efficiency of these schools.

The enactment of this legislation will result in no cost to the Government.

Similar legislation was proposed by the Navy Department in the Seventy-second Congress.

The following letters addressed to the Speaker of the House and the chairman of the committee from the Secretary of the Navy set forth the Navy Department's views and favorable recommendation of this bill:

NAVY DEPARTMENT,  
Washington, November 26, 1932.

The CHAIRMAN COMMITTEE ON NAVAL AFFAIRS,  
House of Representatives, Washington, D.C.

MY DEAR MR. CHAIRMAN: There is enclosed herewith a copy of a letter, together with a copy of a proposed bill to confer the degree of bachelor of science upon graduates of the Naval Academy, this day forwarded to the Speaker of the House of Representatives.

Sincerely yours,

C. F. ADAMS,  
Secretary of the Navy.

NAVY DEPARTMENT,  
Washington, November 26, 1932.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES,  
Washington, D.C.

MY DEAR MR. SPEAKER: I have the honor to transmit herewith a draft of bill to confer the degree of bachelor of science upon graduates of the Naval Academy.

The act of May 6, 1932 (Public, No. 122, 72d Cong.), authorizes the President to commission as ensigns at least 50 percent of all future graduates of the Naval Academy. It is anticipated that in June 1933 one half of the graduating class only will receive their commissions, the remainder will have to go into civilian life. In future years it is probable that a number of each graduating class will be unable to get commissions as ensigns. In addition to these there are each year several graduates who are required to resign on graduation by reason of physical defects, such as defective vision.

The degree of bachelor of science will be a great aid to these graduates in civil life.

Considering the entrance requirements and the curriculum at the Naval Academy, that institution as a technical school is comparable with our leading engineering schools which confer such degrees upon their graduates. Its course is equal to a 4-year college course and is so considered by the universities and colleges to which its postgraduate students are sent.

The Naval Academy diploma alone is assurance of ability and worth along lines of mental, physical, and character development to those acquainted with the activities of the academy, but those graduates who leave the service will come in contact with many people unacquainted with that institution and who will not place the value upon the diploma that it justly deserves. A degree of bachelor of science will materially assist such graduates in seeking employment as well as their admission into schools of higher education. Such a degree will give these graduates something to



strive for when a commission is unlikely and will without question raise the efficiency of the Naval Academy.

The enactment of this legislation will result in no cost to the Government.

For the reasons stated, it is recommended that the proposed legislation be enacted.

Sincerely yours,

C. F. ADAMS, *Secretary of the Navy.*

The SPEAKER. The time of the gentleman from Texas [Mr. McFARLANE] has expired.

All time has expired.

The question is on the motion of the gentleman from Georgia [Mr. VINSON] to suspend the rules and pass the bill, as amended.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—yeas 211, noes 4.

So, two thirds having voted in favor thereof, the rules were suspended and the bill, as amended, was passed.

#### CHAMBER OF COMMERCE, COLUMBUS, OHIO

Mr. LAMNECK. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a set of resolutions passed by the Columbus (Ohio) Chamber of Commerce with reference to the work of Congress.

The SPEAKER. Is there objection to the request of the gentleman from Ohio [Mr. LAMNECK].

There was no objection.

Mr. LAMNECK. Mr. Speaker, under the leave to extend my remarks in the RECORD I include the following resolutions adopted by the Columbus (Ohio) Chamber of Commerce expressing confidence in President Roosevelt and pledging itself to help business and industry:

COLUMBUS, OHIO, May 12, 1933.

The Columbus Chamber of Commerce, by action of its board of directors, expresses complete confidence in President Roosevelt, appreciates fully the conditions which exist at this time in this country, appreciates the tremendous efforts on the part of the Government in this emergency, and reaffirms its desire to cooperate.

The Columbus Chamber of Commerce fully recognizes the seriousness of unemployment in industry generally, and realizes also that industry should cure itself of the evils of unfair competition.

The Columbus Chamber of Commerce heartily approves of President Roosevelt's plan of correcting these evils through industry itself, and by trade associations, without projecting Government into business further than it is necessary.

The Columbus Chamber of Commerce, representing the business interests of this community, pledges itself to help industry and business in this area, to organize its trade associations for the purpose of correcting these evils and instituting these reforms, and for that purpose we stand ready and willing to assist the President in every possible way in his program to restore industry and relieve unemployment.

Respectfully submitted.

THE COLUMBUS CHAMBER OF COMMERCE,  
CHARLES E. NIXON, *President.*  
FRED D. CONNOLLEY, *Executive Director.*

#### AMENDMENT OF BANK CONSERVATION ACT

Mr. STEAGALL. Mr. Speaker, I call up Senate bill 1410, to amend section 207 of the Bank Conservation Act with respect to bank reorganizations, and ask for its immediate consideration.

The Clerk read the title of the bill.

Mr. STEAGALL. Mr. Speaker, I have submitted this unanimous-consent request purely in the interest of time, and the comfort and convenience of the House.

I am going to explain what the bill does.

In the emergency bank bill passed on the 9th day of March, I believe it was, provision was made setting up methods for the reorganization of closed banks. In that legislation the phrase "National Banking Association" was used. It is found that some of the banks in the District of Columbia that were chartered under State laws do not come within the provisions of that legislation as embodied in section 207, in which the phrase "National Banking Association" was used. The bill before us changes this language so as to substitute the word "banks" for the phrase "National Banking Associations."

It will facilitate the reorganization of banks in Washington that embrace banks that were chartered under State laws.

Mr. BRITTEN. Mr. Speaker, will the gentleman yield for a question?

Mr. STEAGALL. I yield.

Mr. BRITTEN. Of course, the bill, S. 1410, has not been printed. Therefore it is impossible to get a copy of the matter the gentleman desires to take up.

Does it involve simply the change in language the gentleman has indicated?

Mr. STEAGALL. That is all.

Mr. BRITTEN. So as to take care of certain banks in the District of Columbia.

Mr. STEAGALL. That is the only thing there is in it, and that is the purpose of it. It was unanimously reported by the Senate Committee on Banking and Currency. It has been passed by the Senate. It was reported unanimously by the House Committee on Banking and Currency, and I am asking for consent to its consideration at the present time in the interest of saving time.

Mr. MARTIN of Massachusetts. Have hearings been held on it by the Committee on Banking and Currency?

Mr. STEAGALL. No hearings were thought necessary.

Mr. MARTIN of Massachusetts. Has that committee acted upon it?

Mr. STEAGALL. Yes. It was unanimously reported by the committee. It had passed the Senate.

Mr. JENKINS. Mr. Speaker, will the gentleman yield for a question?

Mr. STEAGALL. I yield.

Mr. JENKINS. Inasmuch as the gentleman has another bill to come up under suspension of the rules from the same committee, would it inconvenience him if he deferred consideration of this bill until the gentleman from Massachusetts [Mr. LUCE], the ranking minority member of the committee, can be present?

Mr. MARTIN of Massachusetts. Mr. Speaker, I feel constrained to object at this time because the minority representative is not here. I do not want to take upon my shoulders to permit the bill to go through without his seeing the bill at least.

Mr. STEAGALL. I can assure the gentleman that the gentleman from Massachusetts [Mr. LUCE] will not object to the passage of this bill.

Mr. MARTIN of Massachusetts. Why not delay it a little? Why not call up the other bill and come back to this one later?

Mr. STEAGALL. The bill was unanimously reported from the committee. Of course, we can take it up later.

Mr. MARTIN of Massachusetts. Why not take up the bill H.R. 1415 and then come back to this one? By that time we will have had an opportunity to communicate with the gentleman from Massachusetts [Mr. LUCE].

Mr. Speaker, I object.

Mr. STEAGALL. Mr. Speaker, I move to suspend the rules and pass the bill, S. 1410, to amend section 207 of the Bank Conservation Act with respect to bank reorganization.

The SPEAKER. Will the gentleman withhold his motion a moment?

Mr. STEAGALL. Mr. Speaker, I withhold it.

#### EXTENSION OF GASOLINE TAX AND MODIFICATION OF POSTAGE RATES

Mr. DOUGHTON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 5040) to extend the gasoline tax 1 year, modify postage rates on mail matter, and for other purposes, disagree to the Senate amendments, and ask for a conference.

Mr. COLLINS. Mr. Speaker, reserving the right to object, the so-called "Whittington amendment", requiring power companies to pay the Federal tax on power used by consumers, was changed and rewritten in the Senate. Before the House conferees yield from the position of the House on that amendment will the gentleman from North Carolina agree to bring this amendment back to the House for a separate vote?

Mr. DOUGHTON. As far as I am concerned personally, I am always pleased to have the House express itself upon any matter in which it is interested. I am perfectly willing to do this if it is agreeable to the other members of the

conference committee. As far as I am concerned, I have no objection.

Mr. COLLINS. Will the gentleman assure the House of a vote on the Whittington amendment before the House conferees recede from the position of the House on that amendment?

Mr. DOUGHTON. I do not know that I can go that far. A majority of the conference committee might not agree with me, but I will favor it, I may say to the gentleman from Mississippi.

Mr. COLLINS. With the assurance that the gentleman will insist upon the House amendment, I withdraw my reservation of objection.

Mr. MAPES. Mr. Speaker, reserving the right to object, it is utterly impossible for anyone 10 feet away from the gentleman from North Carolina to hear what he is saying. I think we ought to know a little about what is going on before we give unanimous consent to proceed.

The SPEAKER. The gentleman from North Carolina asks unanimous consent to take from the Speaker's table the bill (H.R. 5040) to extend the gasoline tax for 1 year, to modify postage rates on mail matter, and for other purposes, disagree to the Senate amendments, and ask for a conference.

Is there objection? [After a pause.] The Chair hears none and appoints the following conferees:

Messrs. DOUGHTON, RAGON, SAMUEL B. HILL, TREADWAY, and BACHARACH.

Mr. MARTIN of Massachusetts. Mr. Speaker, I find that the minority membership of the Banking and Currency Committee is in favor of the bill S. 1410 and I therefore withdraw my objection.

Mr. STEAGALL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 1410) to amend section 207 of the Bank Conservation Act with respect to bank reorganizations.

Mr. BRITTEN. Mr. Speaker, I reserve the right to object for the purpose of asking a question. The Chairman of the Banking and Currency Committee a few moments ago was understood, at least by me, to say that this slight change in the banking act is being presented in the interest of the banks of the District of Columbia.

Mr. STEAGALL. Yes.

Mr. BRITTEN. I have been told by a member of the gentleman's committee that it applies to the banks throughout the United States.

Mr. STEAGALL. Yes, it does; but it uses the word "bank" as a substitute for "National Banking Association" in section 207 of the Emergency Act, which will make possible the reorganization of banks in the District of Columbia, where they are ready to act today if this legislation is passed. I have no such information at the moment, but probably there will be other instances where such situations may develop; but in any event the word "bank" will embrace every purpose of the original legislation and will make possible the action that is so much desired in the District of Columbia now.

Mr. BRITTEN. I am told that this legislation is also desired for the Cleveland, Ohio, banks.

Mr. STEAGALL. That is probably true.

Mr. BRITTEN. And will changing the words "national banking association" to "bank" take in State banks?

Mr. STEAGALL. Yes; that is the purpose of it—banks and trust companies everywhere and of all kinds.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The Clerk read the Senate bill, as follows:

*Be it enacted, etc.,* That section 207 of the Bank Conservation Act is amended by striking out "national banking association" wherever it appears therein and inserting in lieu thereof the word "bank."

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. STEAGALL, a motion to reconsider the vote by which the bill was passed was laid on the table.

#### REMOVAL OF CERTAIN LIMITATIONS ON NATIONAL BANKS

Mr. STEAGALL. Mr. Speaker, in the interest of time, I am going to submit another unanimous-consent request.

Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 1415) to amend sections 5200 and 5202 of the Revised Statutes, as amended, to remove the limitations on national banks in certain cases.

The Clerk read the title of the bill.

Mr. GOSS. Mr. Speaker, may we have the bill read?

The Clerk read the Senate bill, as follows:

*Be it enacted, etc.,* That section 5200 of the Revised Statutes, as amended, is amended by adding at the end thereof the following new paragraph:

"(9) Obligations representing loans to any national banking association or to any banking institution organized under the laws of any State, or to any receiver, conservator, or superintendent of banks, or to any other agent, in charge of the business and property of such association or banking institution, when such loans are approved by the Comptroller of the Currency, shall not be subject under this section to any limitation based upon such capital and surplus."

Sec. 2. Section 5202 of the Revised Statutes, as amended, is amended by adding at the end thereof the following new paragraph:

"Ninth. Liabilities incurred on account of loans made with the express approval of the Comptroller of the Currency under paragraph (9) of section 5200 of the Revised Statutes, as amended."

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

Mr. JENKINS. Mr. Speaker, I reserve the right to object, so I may ask the chairman of the committee or the ranking member on the Republican side to explain this bill.

Mr. STEAGALL. Mr. Speaker, let me say that this bill removes the limitation of the national banking law which restricts loans in certain cases to 10 percent of the amount of capital and 10 percent surplus of the lending bank. The limitation is removed as to—

loans to any national banking association or to any banking institution organized under the laws of any State, or to any receiver, conservator, or superintendent of banks, or to any other agent in charge of the business and property of any such association or banking institution—

With the approval of the Comptroller of the Currency.

The purpose of the legislation is to liberalize the lending facilities of banks, based upon assets of closed banks. It is designed to make practicable the unfreezing of assets in banks that are closed or in the hands of conservators or liquidating agents by new banks that are being organized.

That is the purpose of the legislation. I may say that the bill has passed the Senate, is unanimously reported by the Banking and Currency Committee, and it is thought that helpful work could be accomplished by liberalizing the national banking law so as to remove the limitation in the manner to which I have referred.

Mr. WATSON. Will the gentleman yield?

Mr. STEAGALL. I yield.

Mr. WATSON. Then would it be possible for a borrower to obtain 15 or even 20 percent of the surplus and capital of a bank, if it were agreed to by the Comptroller?

Mr. STEAGALL. It would be.

Mr. WATSON. I thought we were endeavoring to limit loans.

Mr. STEAGALL. It is the desire to limit them in a general way, but it is very desirable in the work of reorganizing closed banks that a new bank may be able to use a part of its assets and its new capital in undertaking to unfreeze a portion of the assets of banks that have been closed.

Mr. WATSON. I thought one of the troubles has been with the banks' lending too much money, and for this reason we had a financial break-down.

Mr. STEAGALL. There is quite a number of exceptions to the limitations in section 5200, which limits loans to 10 percent of the capital and 10 percent of the surplus of a lending bank. I may say to my friend that the business of the country would be seriously hampered if the 10-percent limitation were universally applied.

Mr. LOZIER. Will the gentleman yield?

Mr. STEAGALL. Yes.



Mr. LOZIER. Did I understand the gentleman to say that this law will amend the present law which prohibits loans to one individual or corporation in excess of 10 percent of the capital and surplus of any going concern?

Mr. STEAGALL. Yes.

Mr. LOZIER. Does the gentleman think it is a wise provision to repeal the present limitation and make it easy for a comparatively few favored customers of a bank to monopolize the credit and obtain practically all the money the bank has to lend?

Mr. STEAGALL. This is an unusual situation that we are undertaking to meet. Many banks are closed, and efforts are under way to reopen them. Exceptions to the general limitations are necessary in supporting commerce and to aid in moving the agricultural crops of the country. It is important that the general limitation be liberalized, and it has been done in numerous cases. In this measure we are liberalizing it for loans to conservators and liquidating agents for closed banks in the hope of being able to unfreeze some of the assets of these institutions. It also affords an opportunity for the employment of some portion of the new capital of newly organized banks, a thing helpful to a bank in its initial stages. So it serves a dual purpose.

Mr. LOZIER. May I suggest that you are not confining this liberalization to reorganized banks or banks that take over the assets of failed banks. But under the cover of affording relief to banks that are in liquidation, or to banks helping banks that are being reorganized, you are increasing the amount of loans that a bank may make to one individual, firm, or corporation. No bank should be allowed to loan to one person in excess of 10 percent of the capital and surplus. I want to say to you that a violation of the 10-percent limitation and a manipulation of loans to favor a few customers are responsible for many of the bank failures and for the deplorable condition of the banks in the United States. I think the bill ought not to be enacted. It is bad legislation. The 10-percent limitation should be kept in the law.

Mr. WATSON. Will the gentleman yield?

Mr. STEAGALL. I yield.

Mr. WATSON. The gentleman made the statement that it would be necessary to increase from 10 to 20 percent the borrowing power when a citizen applied to make a loan.

Mr. STEAGALL. I did not intend to so state.

Mr. WATSON. Within a very few years national banks have joined together for that purpose. They have increased their capital stock and surplus in order to make increased loans. In Philadelphia we had not enough money to meet the demand, and borrowers had to go to New York. Therefore, two banks joined so that they might have a greater capital and surplus in order to make these loans. I think it is a great error to pass this bill.

Mr. McFADDEN. Will the gentleman yield?

Mr. STEAGALL. I yield.

Mr. McFADDEN. I think there is some confusion in the minds of Members on the floor as to the purpose of the bill. As I interpret it, it gives the banks the right to borrow from the Reconstruction Finance Corporation to facilitate reorganization and gives to the receivers and conservators the right to borrow. This does not affect the borrower from a bank in any sense, but it enlarges the right of the bank to borrow from the Reconstruction Finance Corporation to facilitate the reorganization and consolidation of other banks. Am I right or wrong?

Mr. STEAGALL. It amends section 5200.

Mr. McFADDEN. That limits to 10 percent the amount that it may borrow. This amends it and gives the bank, with the consent of the Comptroller, the right to borrow in order to consolidate with other banks.

Mr. STEAGALL. That is a different way of stating the same thing—that is what we are trying to do. It applies both to borrowing banks and loaning banks.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

Mr. HOEPEL. Under the statement of the chairman, I object.

Mr. STEAGALL. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1415) to amend sections 5200 and 5202 of the Revised Statutes, as amended, to remove the limitations on national banks in certain cases.

The Clerk read the bill, as follows:

S. 1415 (Rept. No. 122)

An act to amend sections 5200 and 5202 of the Revised Statutes, as amended, to remove the limitations on national banks in certain cases

*Be it enacted, etc.,* That section 5200 of the Revised Statutes, as amended, is amended by adding at the end thereof the following new paragraph:

"(9) Obligations representing loans to any national banking association or to any banking institution organized under the laws of any State, or to any receiver, conservator, or superintendent of banks, or to any other agent, in charge of the business and property of any such association or banking institution, when such loans are approved by the Comptroller of the Currency, shall not be subject under this section to any limitation based upon such capital and surplus."

Sec. 2. Section 5202 of the Revised Statutes, as amended, is amended by adding at the end thereof the following new paragraph:

"Ninth. Liabilities incurred on account of loans made with the express approval of the Comptroller of the Currency under paragraph (9) of section 5200 of the Revised Statutes, as amended."

The SPEAKER. Is a second demanded?

Mr. COCHRAN of Missouri. Mr. Speaker, I demand a second.

Mr. STEAGALL. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Alabama is entitled to 20 minutes and the gentleman from Missouri to 20 minutes.

Mr. STEAGALL. Mr. Speaker, I have spoken in brief of the purpose of this legislation. For the moment I do not care to say any more. I reserve the remainder of my time.

Mr. COCHRAN of Missouri. Mr. Speaker, I yield 10 minutes to the gentleman from Massachusetts [Mr. LUCE].

Mr. LUCE. Mr. Speaker, I do not want one tenth of 10 minutes. The whole story can be told in half a dozen sentences. This is a measure to make it possible for the Comptroller of the Currency, when in his judgment he thinks it wise, to permit a relaxation of the law about loans in order to help out closed banks. That is the sole purpose of the bill. It is the desire of the Comptroller of the Currency, and opens the door to no serious danger. The matter does not demand long discussion. With that explanation I hope that my friend the gentleman from Missouri [Mr. COCHRAN] will understand the situation.

Mr. COCHRAN of Missouri. Mr. Speaker, I demanded a second in order to get some information. What benefit will this be to a bank in course of reorganization?

Mr. LUCE. It will permit it to get more money from the Reconstruction Finance Corporation.

Mr. COCHRAN of Missouri. That is exactly what I want the RECORD to show. That is the sole reason I demanded a second.

Let me cite section 304, title III, of the act of March 9, 1933:

SEC. 304. If in the opinion of the Secretary of the Treasury any national banking association or any State bank or trust company is in need of funds for capital purposes either in connection with the organization or reorganization of such association, State bank or trust company or otherwise, he may, with the approval of the President, request the Reconstruction Finance Corporation to subscribe for preferred stock in such association, State bank or trust company, or to make loans secured by such stock as collateral, and the Reconstruction Finance Corporation may comply with such request. The Reconstruction Finance Corporation may, with the approval of the Secretary of the Treasury, and under such rules and regulations as he may prescribe, sell in the open market or otherwise the whole or any part of the preferred stock of any national banking association, State bank or trust company acquired by the Corporation pursuant to this section. The amount of notes, bonds, debentures, and other such obligations which the Reconstruction Finance Corporation is authorized and empowered to issue and to have outstanding at any one time under existing law is hereby increased by an amount sufficient to carry out the provisions of this section.



This section was enacted, I am sure, for one purpose, and that is to assist banks in course of reorganization. It is not so easy to get the Reconstruction Finance Corporation to purchase preferred stock under this section. I have interviewed members of the Committee on Banking and Currency and they tell me that it was their understanding that the enactment of this section was demanded to meet the emergency and to help closed banking institutions to reorganize. They further tell me that such was the intent of the Congress in agreeing to the section. We all know that this section was included in the law passed to provide relief in the national emergency in banking that confronted President Roosevelt when he took office. I have heard of several cases where the Reconstruction Finance Corporation has not acted in accord with the intent of Congress, if I understand the intent of Congress correctly.

The Reconstruction Finance Corporation has been liberal in dealing with corporations. I do not blame them as the law was passed for that purpose. It should be remembered, however, that in dealing with banks the corporation is not only dealing with the officials but when it grants relief it is extending relief to thousands of depositors. Frankly, it seems to me that preferred stock in a solvent banking institution is equal to any collateral that the Corporation has received for loans. A liberal interpretation of this section will help many banks now closed. I would not ask that any assistance be rendered a bank until the new set-up had been passed upon by the Comptroller or his representatives, but when the national-bank examiners are willing to place their O.K. on the new set-up, that surely should justify the Corporation to extend aid. Nothing is delaying a return to normal more than the failure of hundreds of banks to resume operations. Many banks will be able to resume business, in my opinion, if as I stated before a liberal interpretation will be placed upon section 304 of the act of March 9.

In conclusion, I want to repeat I am pleased to receive the assurance of the chairman of the committee, the gentleman from Alabama [Mr. STEAGALL], and the ranking member of the committee, the gentleman from Massachusetts [Mr. LUCE], that this legislation is designed to help the situation that I refer to.

If the Reconstruction Finance Corporation will accept the verdict of the Comptroller of the Currency, I think the corporation will be able to come to the rescue of many banks anxious to open, and in so doing will be coming to the rescue of hundreds of thousands of our citizens, business men, whose funds are still tied up in these banks. A bank that is insolvent has no business resuming business, but a bank that presents a new set-up approved by the national-bank examiners should receive assistance. [Applause.]

That is all I have to say, Mr. Speaker. I propose to support the bill in view of the assurance I have received that the legislation will be beneficial to such banking institutions as I have referred to. I yield back the balance of my time and suggest to the chairman of the committee that he move the previous question. [Applause.]

Mr. STEAGALL. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois [Mr. SABATH].

Mr. SABATH. As I understand this bill, it will remove in some instances the limitations on bankers with respect to loans they can make to large corporations.

Just now I secured a Washington paper showing that the report of the Federal Trade Commission, as ordered by this House, on the so-called "chain stores" has been made. The paper gives the chain stores a boost by showing that they are selling at a lower figure than independent stores. The advantages that those chain stores have over independents naturally make it possible for them to sell a little cheaper, but the paper does not say to what extent the chain stores are responsible for lowering the prices of all commodities, whether they are manufactured or agricultural commodities.

I have maintained for years that the tremendous purchasing power of the chain stores makes it possible for them to control and dictate prices of commodities which they are purchasing, and consequently they can at times undersell the small man, whom they are gradually putting out of

business and ruining in every section of the country. I do not think we should make possible still greater credits to those large institutions at the expense of the small dealers, the small manufacturers, and the general public of America. I think the large institutions have received in years gone by altogether too much from our Government. Instead of granting them additional aid the Government ought to curtail their activities. As it is, chain stores are financed and controlled, as is practically everything else, by the Wall Street manipulators who brought about the destruction of our Nation. [Applause.] I, for one, feel that we should not extend further and greater credit to those destructive forces than that which we have already granted them heretofore.

I am just bringing this to the attention of the House because from this time on people will try to show that the chain stores are underselling the independents. This may apply to a few leading commodities but not to all. Personally I do not believe that they undersell the independents, because the things they sell are inferior to those handled by the independents. I think it would be well for the women of this country, the consumers, to patronize their neighborhood stores, and thereby aid and give protection to their own sections of the country.

The SPEAKER. The time of the gentleman from Illinois [Mr. SABATH] has expired.

Mr. PIERCE. Will the gentleman yield?

Mr. SABATH. My time has expired.

The SPEAKER. The question is on the motion of the gentleman from Alabama [Mr. STEAGALL].

Mr. PIERCE. Mr. Speaker, I think we are entitled to know just what this bill does provide. We had one statement by the gentleman from Pennsylvania—

The regular order was demanded.

Mr. STEAGALL. I will say to the gentleman that this bill is designed, and all that can be accomplished by its provisions, is to aid in the reorganization of banks and communities that are left without banking facilities and help the depositors to realize on assets that are now tied up in closed banks. That is all there is to this bill.

Mr. PIERCE. Does it raise the loaning limit?

Mr. STEAGALL. Yes; it removes the limit as to loans that may be made and applies to both a borrowing and a loaning bank.

Mr. Speaker, I ask for a vote on the bill.

The SPEAKER. The question is on the motion of the gentleman from Alabama to suspend the rules and pass the bill.

The question was taken; and two thirds having voted in favor thereof, the rules were suspended and the bill was passed.

Mr. HOEPEL. Mr. Speaker, I make a point of no quorum.

The SPEAKER. The Chair will count.

Mr. HOEPEL. Mr. Speaker, I withdraw the point of order.

#### PAYMENT OF CLAIMS TO INDIAN PUEBLOS

Mr. HOWARD. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H.R. 4014) to authorize appropriations to pay in part the liability of the United States to the Indian pueblos herein named, under the terms of the act of June 7, 1924, and the liability of the United States to non-Indian claimants on Indian pueblo grants whose claims, extinguished under the act of June 7, 1924, have been found by the Pueblo Lands Board to have been claims in good faith; to authorize the expenditure by the Secretary of the Interior of the sums herein authorized and of sums heretofore appropriated, in conformity with the act of June 7, 1924, for the purchase of needed lands and water rights and the creation of other permanent economic improvements as contemplated by said act; to provide for the protection of the watershed within the Carson National Forest for the Pueblo de Taos Indians of New Mexico and others interested, and to authorize the Secretary of Agriculture to contract relating thereto, and to amend the act approved June 7, 1924, in certain respects.



The SPEAKER. Is there objection to the present consideration of the bill?

Mr. JENKINS. Reserving the right to object, I think I shall object, Mr. Speaker, because this is a very important bill. This bill calls for the expenditure of a million dollars and I should much prefer to have the distinguished gentleman from Nebraska [Mr. Howard] bring this bill up under suspension so that we may have time to discuss it. I do not know that there is very much opposition on this side, but I know there is considerable opposition to taking up a bill of this magnitude under unanimous consent, and if I am pressed I shall object.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska [Mr. Howard]?

Mr. JENKINS. I object.

Mr. HOWARD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4014) to authorize appropriations to pay in part the liability of the United States to the Indian pueblos herein named, under the terms of the act of June 7, 1924, and the liability of the United States to non-Indian claimants on Indian pueblo grants whose claims, extinguished under the act of June 7, 1924, have been found by the Pueblo Lands Board to have been claims in good faith; to authorize the expenditure by the Secretary of the Interior of the sums herein authorized and of sums heretofore appropriated, in conformity with the act of June 7, 1924, for the purchase of needed lands and water rights and the creation of other permanent economic improvements as contemplated by said act; to provide for the protection of the watershed within the Carson National Forest for the Pueblo de Taos Indians of New Mexico and others interested, and to authorize the Secretary of Agriculture to contract relating thereto and to amend the act approved June 7, 1924, in certain respects.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That in fulfillment of the act of June 7, 1924 (43 Stat. 636), there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sums hereinafter set forth, in compensation to the several Indian pueblos hereinafter named, in payment of the liability of the United States to the said pueblos as declared by the act of June 7, 1924, which appropriations shall be made in equal annual installments as hereinafter specified, and shall be deposited in the Treasury of the United States and shall be expended by the Secretary of the Interior, subject to approval of the governing authorities of each pueblo in question, at such times and in such amounts as he may deem wise and proper; for the purchase of lands and water rights to replace those which have been divested from said pueblo under the act of June 7, 1924, or for the purchase or construction of reservoirs, irrigation works, or other permanent improvements upon or for the benefit of the lands of said pueblos.

SEC. 2. In addition to the awards made by the Pueblo Lands Board, the following sums, to be used as directed in section 1 of this act, and in conformity with the act of June 7, 1924, be, and hereby are, authorized to be appropriated:

Pueblo of Jemez, \$1,885; pueblo of Nambe, \$47,439.50; pueblo of Taos, \$84,707.09; pueblo of Santa Ana, \$2,908.38; pueblo of Santo Domingo, \$4,256.56; pueblo of Sandia, \$12,980.62; pueblo of San Felipe, \$14,954.53; pueblo of Isleta, \$47,751.31; pueblo of Picuris, \$66,574.40; pueblo of San Ildefonso, \$37,058.28; pueblo of San Juan, \$153,863.04; pueblo of Santa Clara, \$181,114.19; pueblo of Cochiti, \$37,826.37; pueblo of Pojoaque, \$68,562.61; in all, \$761,954.88: *Provided, however,* That the Secretary of the Interior shall report back to Congress any errors or omissions in the foregoing authorizations measured by the present fair market value of the lands involved, as heretofore determined by the appraisals of said tracts by the appraisers appointed by the Pueblo Lands Board, with evidence supporting his report and recommendations.

SEC. 3. Pursuant to the aforesaid act of June 7, 1924, there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, a sum to compensate white settlers or non-Indian claimants who have been found by the Pueblo Lands Board, created under said act of June 7, 1924, to have occupied and claimed land in good faith but whose claim has not been sustained and whose occupation has been terminated under said act of June 7, 1924, for the fair market value of lands, improvements appurtenant thereto, and water rights. The non-Indian claimants, or their successors, as found and reported by said Pueblo Lands Board, to be compensated out of said appropriations to be disbursed under the direction of the Secretary of the Interior in the amounts due them as appraised by the appraisers appointed by said Pueblo Lands Board, as follows:

Within the pueblo of Tesuque, \$1,094.64; within the pueblo of Nambe, \$19,393.59; within the pueblo of Taos, \$14,064.57; within the Tenorio Tract, Taos Pueblo, \$43,165.26; within the pueblo of Santa Ana (El Ranchito grant), \$846.26; within the pueblo of

Santo Domingo, \$66; within the pueblo of Sandia, \$5,354.46; within the pueblo of San Felipe, \$16,424.68; within the pueblo of Isleta, \$6,624.45; within the pueblo of Picuris, \$11,464.73; within the pueblo of San Ildefonso, \$16,209.13; within the pueblo of San Juan, \$19,938.22; within the pueblo of Santa Clara, \$35,350.88; within the pueblo of Cochiti, \$9,653.81; within the pueblo of Pojoaque, \$1,767.26; within the pueblo of Laguna, \$30,668.87; in all, \$232,086.80: *Provided, however,* That the Secretary of the Interior shall report back to Congress any errors in the amount of award measured by the present fair market value of the lands involved and any errors in the omissions of legitimate claimants for award, with evidence supporting his report and recommendations.

SEC. 4. That for the purpose of safeguarding the interests and welfare of the tribe of Indians known as the Pueblo de Taos of New Mexico in the certain lands hereinafter described, upon which lands said Indians depend for water supply, forage for their domestic livestock, wood and timber for their personal use and as the scene of certain of their religious ceremonies, the Secretary of Agriculture may and he hereby is authorized and directed to designate and segregate said lands, which shall not thereafter be subject to entry under the land laws of the United States, and to thereafter grant to said Pueblo de Taos, upon application of the governor and council thereof, a permit to occupy said lands and use the resources thereof for the personal use and benefit of said tribe of Indians for a period of 50 years, with provision for subsequent renewals if the use and occupancy by said tribe of Indians shall continue, the provisions of the permit are met, and the continued protection of the watershed is required by public interest. Such permit shall specifically provide for and safeguard all rights and equities hitherto established and enjoyed by said tribe of Indians under any contracts or agreements hitherto existing, shall authorize the free use of wood, forage, and lands for the personal or tribal needs of said Indians, shall define the conditions under which natural resources under the control of the Department of Agriculture not needed by said Indians shall be made available for commercial use by the Indians or others, and shall establish necessary and proper safeguards for the efficient supervision and operation of the area for national-forest purposes and all other purposes herein stated, the area referred to being described as follows:

Beginning at the northeast corner of the Pueblo de Taos grant, thence northeasterly along the divide between Rio Pueblo de Taos and Rio Lucero and along the divide between Rio Pueblo de Taos and Red River to a point a half mile east of Rio Pueblo de Taos; thence southwesterly on a line half a mile east of Rio Pueblo de Taos and parallel thereto to the northwest corner of township 25 north, range 15 east; thence south on the west boundary of township 25 north, range 15 east, to the divide between Rio Pueblo de Taos and Rio Fernandez de Taos; thence westerly along the divide to the east boundary of the Pueblo de Taos grant; thence north to the point of beginning, containing approximately 30,000 acres, more or less.

SEC. 5. Except as otherwise provided herein, the Secretary of the Interior shall disburse and expend the amounts of money herein authorized to be appropriated, in accordance with and under the terms and conditions of the act approved June 7, 1924: *Provided, however,* That the Secretary be authorized to cause necessary surveys and investigations to be made promptly to ascertain the lands and water rights that can be purchased out of the foregoing appropriations and earlier appropriations made for the same purpose, with full authority to disburse said funds in the purchase of said lands and water rights without being limited to the appraised values thereof as fixed by the appraisers appointed by the Pueblo Lands Board appointed under said act of June 7, 1924, and all prior acts limiting the Secretary of the Interior in the disbursement of said funds to the appraised value of said lands as fixed by said appraisers of said Pueblo Lands Board be, and the same are, expressly repealed: *Provided further,* That the Secretary of the Interior be, and he is hereby, authorized to disburse a portion of said funds for the purpose of securing options upon said lands and water rights and necessary abstracts of title thereof for the necessary period required to investigate titles and which may be required before disbursement can be authorized: *Provided further,* That the Secretary of the Interior be, and he is hereby, authorized, out of the appropriations of the foregoing amounts and out of the funds heretofore appropriated for the same purpose, to purchase any available lands within the several pueblos which in his discretion it is desirable to purchase, without waiting for the issuance of final patents directed to be issued under the provisions of the act of June 7, 1924, where the right of said pueblos to bring independent suits, under the provisions of the act of June 7, 1924, has expired: *Provided further,* That the Secretary of the Interior shall not make any expenditures out of the pueblo funds resulting from the appropriations set forth herein, or prior appropriations for the same purpose, without first obtaining the approval of the governing authorities of the pueblo affected: *And provided further,* That the governing authorities of any pueblo may initiate matters pertaining to the purchase of lands in behalf of their respective pueblos, which matters, or contracts relative thereto, will not be binding or concluded until approved by the Secretary of the Interior.

SEC. 6. Nothing in this act shall be construed to prevent any pueblo from prosecuting independent suits as authorized under section 4 of the act of June 7, 1924. The Secretary of the Interior is authorized to enter into contract with the several Pueblo Indian tribes, affected by the terms of this act, in consideration



of the authorization of appropriations contained in section 2 hereof, providing for the dismissal of pending and the abandonment of contemplated original proceedings, in law or equity, by, or in behalf of said Pueblo Indian tribes, under the provisions of section 4 of the act of June 7, 1924 (43 Stat. L. 636), and the pueblo concerned may elect to accept the appropriations herein authorized, in the sums herein set forth, in full discharge of all claims to compensation under the terms of said act, notifying the Secretary of the Interior in writing of its election so to do: *Provided*, That if said election by said pueblo be not made, said pueblo shall have 1 year from the date of the approval of this act within which to file any independent suit authorized under section 4 of the act of June 7, 1924, at the expiration of which period the right to file such suit shall expire by limitation: *And provided further*, That no ejectment suits shall be filed against non-Indians entitled to compensation under this act, in less than 6 months after the sums herein authorized are appropriated.

Sec. 7. Section 16 of the act approved June 7, 1924, is hereby amended to read as follows:

"Sec. 16. That if the Secretary of the Interior deems it to be for the best interest of the Indians that any land adjudged by the court or said Lands Board against any claimant be sold, he may, with the consent of the governing authorities of the pueblo, order the sale thereof, under such regulations as he may make, to the highest bidder for cash; and if the buyer thereof be other than the losing claimant, the purchase price shall be used in paying to such losing claimant the adjudicated value of the improvements aforesaid, if found under the provisions of section 15 hereof, and the balance thereof, if any, shall be paid over to the proper officer or officers, of the Indian community, but if the buyer be the losing claimant, and the value of his improvements has been adjudicated as aforesaid, such buyer shall be entitled to have credit upon his bid for the value of such improvements so adjudicated."

Sec. 8. The attorney or attorneys for such Indian tribe or tribes shall be paid such fee as may be agreed upon by such attorney or attorneys and such Indian tribe or tribes, but in no case shall the fee be more than 10 percent of the sum herein authorized to be appropriated for the benefit of such tribe or tribes, and such attorney's fees shall be disbursed by the Secretary of the Interior in accordance herewith out of any funds appropriated for said Indian tribe or tribes under the provisions of the act of June 7, 1924 (43 Stat. L. 636), or this act: *Provided, however*, That 25 percent of the amount agreed upon as attorneys' fees shall be retained by the Secretary of the Interior to be disbursed by him under the terms of the contract, subject to approval of the Secretary of the Interior, between said attorneys and said Indian tribes, providing for further services and expenses of said attorneys in furtherance of the objects set forth in section 19 of the act of June 7, 1924.

Sec. 9. Nothing herein contained shall in any manner be construed to deprive any of the Pueblo Indians of a prior right to the use of water from streams running through or bordering on their respective pueblos for domestic, stock-water, and irrigation purposes for the lands remaining in Indian ownership, and such water rights shall not be subject to loss by nonuse or abandonment thereof as long as title to said lands shall remain in the Indians.

Sec. 10. The sums authorized to be appropriated under the terms and provisions of section 2 of this act shall be appropriated in three annual installments, beginning with the fiscal year 1937.

#### ORDER OF BUSINESS

Mr. BYRNS. Mr. Speaker, I ask unanimous consent that it may be in order on tomorrow to call the Consent Calendar.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

Mr. MARTIN of Massachusetts. Reserving the right to object, is there any other business scheduled for tomorrow?

Mr. BYRNS. I am hoping it may be possible, if this consent is granted, to also get up the Muscle Shoals conference report, but I am not altogether certain.

Mr. MARTIN of Massachusetts. There is no other business aside from that?

Mr. BYRNS. None that I know of now, unless some conference report is brought in.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

Mr. BRITTEN. Mr. Speaker, reserving the right to object, can the gentleman tell the House for its benefit just what the next order of business is likely to be as reported from the fraternity brothers at the other end of Pennsylvania Avenue?

Mr. BYRNS. I suppose the gentleman is serious.

Mr. BRITTEN. Yes, I am serious. I am wondering whether it will be the public-works program. I know the fraternity is very busy.

Mr. BYRNS. I do not know to whom the gentleman refers when he speaks of a fraternity.

Mr. BRITTEN. I mean the collegians who have been preparing all this legislation for us.

Mr. BYRNS. Of course the gentleman is facetious.

Mr. BRITTEN. No, I am not.

Mr. BLANTON. Is not our President the gentleman's President also? It is the President of the United States who has been sending us his emergency bills. And I know that our distinguished, able colleague from Illinois is always patriotic.

Mr. BRITTEN. I have said nothing about the President. I merely wanted to know from the distinguished leader for whom I have the very highest regard, if he knows what the next order of business is likely to be that is to come from the fraternity brothers at the other end of Pennsylvania Avenue?

Mr. BYRNS. I do not know what the gentleman means by the fraternity brothers, but I may say the President will probably send down a message on the public works bill tomorrow or next day.

Mr. BRITTEN. The gentleman means the President will if he gets it from the fraternity.

Mr. BYRNS. The President of the United States makes up his own mind with reference to the legislation he recommends, and the people of the country have confidence in that ability.

Mr. BLANTON. And when his stenographers get through writing up what he dictates the President will send it down to us.

Mr. BRITTEN. Oh, well, of course, the gentleman from Texas does not realize that all this legislation is prepared by the fraternity brothers in advance and is then sent to the President to check over.

Mr. BLANTON. Oh, no. The gentleman is wrong. The entire program that comes to us comes from the President and nobody else. This is one administration whose President has his own ideas, his own program, his own policies, and he knows how to put them into effect by having us pass his bills he prepares and sends us.

Mr. ALLGOOD. Did not the gentleman from Illinois graduate from some institution himself?

Mr. BRITTEN. I am only sorry to say I did not.

Mr. ALLGOOD. At least he graduated from a high school?

Mr. BRITTEN. No; I am sorry to say I did not even do that.

Mr. BLANTON. Our distinguished friend from Illinois [Mr. BRITTEN] is a graduate of one of the greatest schools in the world—the school of experience. He is one of the most effective debaters in this House. All of us have enjoyed his brilliant thrusts and his inimitable repartee. But withal, he is a partisan Republican, and naturally he does not relish the great fraternity brothers of democracy who are now running this Government.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

#### PAYMENT OF CLAIMS TO INDIAN PUEBLOS

Mr. JENKINS. Mr. Speaker, I demand a second.

Mr. HOWARD. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. HOWARD. Mr. Speaker, this bill which I have called up is the final adjustment of a controversial subject which has pending in Congress long years.

The pending measure has been agreed upon by every contending interest; that is, interests heretofore contending. It is agreed upon by the representatives of the Indians themselves, by the Interior Department, and by every interest of which I know.

It simply is a proposition to carry out the plain provisions of an act of this Congress passed 7 years ago.

Mr. Speaker, I now ask my colleague the gentleman from New Mexico [Mr. CHAVEZ], who has had more to do with this legislation than anybody else, and who, when it shall



have been passed, will be entitled to more credit than any other, may be pleased to explain the details of the bill to any inquiring Member. [Applause.]

Mr. Speaker, I yield to the gentleman from New Mexico [Mr. CHAVEZ] such time as he may desire.

Mr. CHAVEZ. Mr. Speaker—

Mr. BLANCHARD. Mr. Speaker, will the gentleman yield for a question before he starts his remarks?

Mr. CHAVEZ. I yield.

Mr. BLANCHARD. Has the Secretary of the Interior approved this measure?

Mr. CHAVEZ. The Secretary of the Interior has approved it and asks that Congress take action.

Mr. CULKIN. Mr. Speaker, will the gentleman yield?

Mr. CHAVEZ. I yield.

Mr. CULKIN. Can the gentleman tell the House how much irrigation and reclamation is involved in this?

Mr. CHAVEZ. About 98,000 acres of Indian lands altogether.

Mr. CULKIN. What is the status of that work now? How far has it progressed?

Mr. CHAVEZ. It has been progressing for the last 300 years. It has been irrigated and in use for the last 300 years.

Now, Mr. Speaker, I am glad the gentleman from Ohio requested that the bill be considered under suspension of the rules rather than under the unanimous-consent request. The purpose of the gentleman from Nebraska in asking unanimous consent to consider the bill was in the interest of saving time, but I am glad it is being considered this way, because I feel sure I can explain to the entire satisfaction of the gentleman from Ohio that it is a meritorious measure and that we should take some action here this afternoon.

The purpose of the measure is to end once and forever a controversy which has existed between 15 Pueblo Indian tribes and some 5,545 white claimants who, together with their families, make around 20,000 white people affected.

The title to the Indian lands was derived from the Crown of Spain, Charles V, granting to the Pueblo Indians in New Mexico a grant of land in 1551. During the time Spain had possession of that section of what is now the United States the Indians had absolute title to this land.

In 1848, under the treaty between the United States and Mexico, the United States recognized the title of the Indians in the particular lands we are talking about.

In 1859 the Congress of the United States confirmed that title.

In 1864 President Lincoln called the tribal heads of the 17 pueblos from New Mexico to Washington and delivered to those tribal heads patents to the original grant of land from the King of Spain, together with a silver-headed cane that has been used up to this time and is now being used as the insignia of office by each successive governor of the Pueblo Indians in New Mexico.

After 1848, due to the fact that the definite boundary lines of the different grants were not definitely known, many white men commenced to encroach, in good faith, on the lands of the Indian pueblos, and on many occasions the land that he is now claiming was purchased at a valuable price. This continued. The Government of the United States did not protect the Indians from the encroachments, whether they were in good faith or otherwise, and this continued until 1913, when a case came to the United States Supreme Court, known as the *Sandoval case*, reported in 231 United States, page 27, by which the Supreme Court of the United States decided that the Pueblo Indians of New Mexico were wards of the Government and could not dispose of their property without the consent of the Government. Of course this threw all the settlers who had been in adverse possession, actually living on the land within the pueblo land grants, in a turmoil. They found out, after being in possession for 60 or 75 years and after paying taxes for this number of years that they did not have any title to their land. They appealed to the Congress. The Congress of the United States, after 3 or 4 years of study, in 1924 passed what is known

as the Pueblo lands bill—Forty-third Statutes at Large, page 636. It was approved on March 7, 1924.

The pueblo lands bill created what is known as the "Pueblo Lands Board", composed of 3 men, 1 to represent the President of the United States, 1 to represent the Department of Justice, and another to represent the Department of the Interior.

The bill authorized the Pueblo Lands Board to go into New Mexico and examine each and every claim where there was any controversy. It was also authorized to report its findings back to Congress and to make awards either to the whites or to the Indians, as the case may be, based upon the fair market value of the property.

Where the Indian lost the land to a white man, who had title under the provisions of the act of 1924, it was intended by Congress, and so stated in the act of 1924, that the Indian should be compensated for what he had lost. On the other hand, where the white man, in good faith, had been in adverse possession and had paid taxes, but did not have the legal title, the act of Congress said they had to compensate him for his improvements.

In some cases men who had been there for 100 years or 50 or 60 years, and on down the line, were involved.

The Pueblo Lands Board went into New Mexico and commenced its work in 1924 and finished on July 1, 1932. The Board was there for 7 years and examined 5,545 claims. In some instances the decision went to the Indians and in some instances to the whites. The Board spent several hundred thousand dollars under authority of Congress and has reported back to the Congress, in effect, this is our work and this is what should be done.

All this bill does is this. It provides for payment to the whites of some \$232,000 that the Pueblo Lands Board decided was the amount of improvements on the lands assigned to the Indians.

Mr. JENKINS. Will the gentleman yield?

Mr. CHAVEZ. I yield.

Mr. JENKINS. The gentleman has made a statement to the effect that Abraham Lincoln gave these Indians their title or their charter rights.

Mr. CHAVEZ. Delivered a United States patent.

Mr. JENKINS. If that is true, by what process, if these Indians had this charter and if they were wards of the Government, could anyone go in there and claim any right or have any right or get any right that any court would have to recognize, such right now having grown to the proportions of \$232,000.

Mr. CHAVEZ. For this reason: The Congress of the United States realized that there were some moral and equitable rights involved on the part of people who in good faith had adverse possession against the Indians, or thought they had bought from the Indians property that the Indian could not sell; who had paid taxes on the land; who had built their homes on the land; and had helped create communities within the land.

Mr. JENKINS. To whom would they pay taxes if it were Indian lands?

Mr. CHAVEZ. They thought it was their land. They did not know it was Indian land until after the decision of the Supreme Court in 1913 in the *Sandoval case*.

Mr. GILCHRIST. Will the gentleman yield?

Mr. CHAVEZ. Yes.

Mr. GILCHRIST. At that time the lines had not been established.

Mr. CHAVEZ. The lines were not defined until 1917.

Mr. GILCHRIST. So the white settler could go there thinking he had the right to go on the land.

Mr. CHAVEZ. And he paid taxes and made improvements for a long period of years.

Mr. TABER. Will the gentleman yield?

Mr. CHAVEZ. Yes.

Mr. TABER. The situation is somewhat like this, is it not? Everywhere, throughout the United States, folks have bought property or they think they have bought property where they thought they were getting title, but did not get it, and this is just like such cases. These folks went on the

land there and thought they were buying a title, but did not take the proper steps to protect themselves, so the Government is making it good. Therefore we should go ahead and do this everywhere in the United States where anybody has bought property thinking he was getting title to it and did not.

Mr. CHAVEZ. No; I think the gentleman is mistaken. There is a difference between the proposition he has in mind and the actual conditions that exist in New Mexico.

Mr. JENKINS. Does the gentleman know whether or not any consideration was given to the fact that these whites have occupied this land and have had the use of it all these years?

Mr. CHAVEZ. Yes, certainly; and all they are getting is the value of the improvements based upon an appraisal made under oath.

Mr. JENKINS. The gentleman from Nebraska [Mr. Howard] made a statement that everybody involved in this matter was satisfied. Is it not a fact that if there is any satisfaction urged here it is the satisfaction that Uncle Sam is going to pay \$1,000,000 to satisfy the Indians who have neglected their rights and to a group of citizens who had no rights?

Mr. CHAVEZ. This bill was passed by Congress in 1924. If Congress had not thought then that it was a meritorious proposition and should be straightened out they would not have passed that act.

Mr. PEAVEY. Will the gentleman yield.

Mr. CHAVEZ. I yield.

Mr. PEAVEY. Is it not a fact that this whole question comes before Congress upon moral and equitable grounds imposed on the United States because the Indians were under the guardianship of the United States?

Mr. CHAVEZ. Yes; both moral and equitable grounds.

Mr. JENKINS. Is not it a fact that we have had numerous Indian cases here ever since the Government took the Indians as wards? Is not this a case gotten up at the instigation of a lot of lawyers who expect to get large compensation out of it?

Mr. CHAVEZ. I assure the gentleman that that is not the fact. This is the fact, that 5,545 white claimants in New Mexico honestly believed that they were the owners of property and are being dispossessed. There are numerous suits pending before the United States courts seeking to evict these people who have been there from sixty to a hundred years.

Mr. ALLGOOD. Will the gentleman yield?

Mr. CHAVEZ. I yield.

Mr. ALLGOOD. Is there anything in the report to show that they are simply squatters on the land? I have not had time to read the report.

Mr. CHAVEZ. I can state this to the gentleman and to the House. Everyone knows that the Secretary of the Interior is a friend of the Indians. Everyone knows that the new Commissioner of Indian Affairs is a friend of the Indians. Everyone knows that the Solicitor for the Department is a friend of the Indians.

Now, the Secretary of the Interior has this to say in reference to the emergency down there. I want to read it because it covers the whole subject. Speaking of the emergency, he says:

A number of suits in ejectment are now pending in the United States District Court of New Mexico, and others may be brought, on behalf of the Pueblo Indians, involving several thousand defendants who will be subjected to large expense through years of litigation unless an early adjustment can be had through this or similar legislation. In addition, in the absence of this legislation the Government will be compelled to bring suits in ejectment against several hundred non-Indians in possession of a portion of the lands involved. This bill will end the entire controversy and provide the needed lands for these Indians, and for these reasons and others is properly emergency legislation.

The bill, if enacted, will effectuate the terms of the act of June 7, 1924, and will discharge an obligation to Indians and whites which was assumed by the Congress 8 years ago. It will bring to an end the most vexed and ancient of land controversies affecting Indian lands under the jurisdiction of the United States. It will conserve the effect of the work done from 1925 to 1932, at a cost of several hundred thousand dollars, by the Pueblo Lands Board and the Department of the Interior and the Department of Jus-

tice. It will procure and thereafter will insure the basis for economic self-support of the several Pueblo tribes. Failure to enact the bill at the present session of Congress would have results vexing and possibly disastrous to several thousands of Indians and to a greater number of their white neighbors. I recommend the prompt and favorable consideration of the bill.

The Director of the Bureau of the Budget has advised that the legislation proposed by the bill would not be in conflict with the financial program of the President.

Sincerely yours,

HAROLD L. ICKES,  
Secretary of the Interior.

Mr. CULKIN. Will the gentleman yield?

Mr. CHAVEZ. I yield.

Mr. CULKIN. Is it not a fact that adverse possession does not run against the United States or the Government's wards?

Mr. CHAVEZ. That is true.

Mr. CULKIN. Why do not the squatters reimburse the Indians?

Mr. CHAVEZ. Because they have been there so long without being dispossessed and have paid the taxes and made improvements and homes that they feel that they have a moral and equitable right to the land.

Mr. HOPE. Mr. Speaker, will the gentleman yield?

Mr. CHAVEZ. I want to yield first to my colleague from Wisconsin [Mr. PEAVEY].

Mr. PEAVEY. I would prefer that the gentleman first answer the question of the gentleman from Kansas.

Mr. CHAVEZ. Very well.

Mr. HOPE. The gentleman has indicated that part of the titles of the whites are derived from purchases from Indians.

Mr. CHAVEZ. And some by encroachment.

Mr. HOPE. And some from some other source. What is that other source? Has the United States Government ever patented any of these lands on these Indian reservations to the whites?

Mr. CHAVEZ. Yes; the United States Government has on more than one occasion issued patents on homesteads and mining claims to lands that the Board found belonged to the Indians who are being compensated under this bill.

Mr. HOPE. In that case then this Board has found that the lands really belong to the Indians and that the Government had no right to issue those patents. Is that the case?

Mr. CHAVEZ. Yes; but the Board is carrying out the intent of Congress, pure and simple. The Board is the one recommending these payments to the whites and to the Indians with the exception that the awards made by the Board to these Indians have been increased under the provisions of this bill.

Mr. HOPE. Are any of the whites who are being compensated under the terms of this bill men who went in there and got squatters' rights, or did they all have some valid basis for claim of title?

Mr. CHAVEZ. They had a claim of title under the provisions of the act of June 7, 1924.

Mr. HOPE. I mean an original claim of title.

Mr. CHAVEZ. I do not know the original claim, but the act of 1924 authorized the Board under certain conditions to decide in favor of the Indians, or if the white claimants had had possession for a certain number of years either with color of title or without color of title, to decide in favor of the whites. In other words, in the act of 1924 Congress said under certain conditions the land should go to the Indians, and under other conditions it must go to the whites. It is in order to settle that controversy, affecting 25,000 whites and practically that many Indians, that this legislation is desired. You can go to the city of Taos, N.Mex. It is a town of about 3,000 people, and there is not a single town lot or a business lot where the legal title is in the white man, though he and his predecessors may have occupied the land for many years.

Mr. HOPE. Will this bill settle all those claims, for all time?

Mr. CHAVEZ. This is the final settlement and will carry out the provisions of the 1924 act.

The SPEAKER pro tempore. The time of the gentleman from New Mexico has expired.



Mr. JENKINS. Mr. Speaker, this bill in various forms has been before Congress for several years, and every time it presents itself there, has been found to be vulnerable, and good reasons have been shown why it should not have passed. In the Seventy-second Congress it was recommitted. I do not blame the gentleman from New Mexico [Mr. CHAVEZ] for his advocacy of this proposition. It will take \$1,000,000 into his State. I do not know the present value of all the property involved, but I very much doubt that it is worth \$1,000,000.

Mr. CHAVEZ. Mr. Speaker, will the gentleman yield?

Mr. JENKINS. Yes.

Mr. CHAVEZ. The gentleman speaks of a million dollars. The bill does not provide an appropriation of \$1,000,000. It provides an authorization of \$700,000 for the Indians, to be paid in three installments, commencing in 1937.

Mr. JENKINS. It provides for an eventual appropriation of \$232,000 to the white people and \$761,000 to the Indians, which makes approximately \$1,000,000.

Mr. CHAVEZ. The \$232,000 will probably be paid anyway, because it will likely be in the next Budget, whether we authorize it here or not.

Mr. JENKINS. I have no personal interest in this matter at all, but I have been here for years, and have watched these Indian bills come and go, and the result is that millions of dollars are dragged out of the Federal Treasury upon some pretext or another. The United States Government has been humane with the Indians as everybody knows. The Indian is the ward of the Government, and the Government never fails to respond charitably and with all compassion toward those people. They come before us and make us believe that this is an emergency measure, that something must be done this year. If you will follow that argument out, you will notice that nobody says that if it is not done somebody will perish. The fact that the payments are deferred for years proves that there is no emergency. The distinguished gentleman from New Mexico told us about the town of Taos. There is a town, a municipality, and the white people claim to own that property. They, no doubt, pay the taxes and exercise all right of ownership. Are we going to pay the white people for that property and give it to the Indians? Why do we not make them pay for it themselves? Or why not compel them to adjust their rights in court? Practically all of this property is now in the courts. The report shows that many lawsuits are pending in the United States courts now. The Government is not guilty of any negligence or contributory negligence. The Government did not do anything that could be construed as responsibility. The United States Government has fully equipped the Department of Justice.

Why not permit these people to go into court and there present their claims and counterclaims, and let the judge and jury say who shall pay and who shall not pay, and who is responsible and who is not responsible. If someone owns a lot that belongs to the Pueblo Tribe, let him pay for it. Why should we drag out \$1,000,000 from the United States Treasury?

Mr. CHAVEZ. It is a proposition that can and has been decided by the courts, along with the efforts of the Pueblo Lands Board.

Mr. JENKINS. If it cannot be decided by the courts then that is a sign that somebody has no right in court. This proposition is a legal one or a moral one. If a man has a right in court, the doors of the court are open and he has a right to step into that court. If it is a moral one, then I must be convinced.

But this is a lawyers' contest with each other and they find that if the Indian is defeated they cannot get any money from him, but if they can involve and inveigle the United States Government into this controversy, then it will be settled satisfactorily to everybody concerned, providing Uncle Sam pays out a million dollars.

Mr. CHAVEZ. Will the gentleman yield?

Mr. JENKINS. In just a moment.

Now, if you want to spend a million dollars of the Government's money and wish to indicate your inclination so to do by your vote, that is your privilege; but I am opposed to an economy that takes from the soldiers and pays to others who have no legitimate claim. That is the reason I objected to the matter being taken up under unanimous consent. I have for years maintained that any bill which calls for the expenditure of a large sum of money should not be taken up under unanimous consent.

A bill of this magnitude should not be taken up under 40 minutes' debate. You can easily see this carries with it implications that would ramify in various directions, and we should have 2 or 3 hours' discussion of a proposition like this. We should have ample opportunity for discussion after due notice. The membership of the House had no advance notice that this bill would come up today.

I am a friend of the Indian, but here is the Indian on one side and Uncle Sam on the other. I also feel that Uncle Sam needs a friend once in awhile. Of course, I notice the Secretary of the Interior has recommended the passage of this bill and the Director of the Budget has recommended the passage of the bill, but the Director of the Budget comes from Arizona. That may have something to do with it. The Director is seeking to make a great reputation as a money saver and I agree with him generally, but where is he justified in cutting the soldiers and at the same time recommending the payment of this enormous sum? I would like to ask you Democrats over there if this is in line with our economy program, to vote out a million dollars just on 20 minutes' discussion, with nobody making objection to it except a few of us Republicans, and we are unprepared.

I am not a member of the committee and I have had no opportunity to know the facts, but I can appreciate what a million dollars is and I am sure that the United States Treasury feels the shock when a million dollars moves out of the United States Treasury.

There are United States judges and United States attorneys who have been and are being paid to adjudicate such controversies and they should do so thereby relieving the Treasury of this terrible drain.

Mr. CHAVEZ. Will the gentleman yield?

Mr. JENKINS. Yes; I yield.

Mr. CHAVEZ. I assure the gentleman from Ohio that the United States Court for the District of New Mexico has passed on each of these 5,545 cases.

Mr. JENKINS. And what has been the decision?

Mr. CHAVEZ. The decisions have been in support of the Board in some instances and against it in others. Every one of these cases went before the United States District Court. That is probably why the Board was there for 7 years.

Mr. JENKINS. But the United States District Court did not find that Uncle Sam owed these people the money. They found that those two people owed each other, but Uncle Sam did not owe those people anything.

Mr. CHAVEZ. Then the gentleman has not read the act of 1924.

Mr. CARTER of Wyoming. Will the gentleman yield?

Mr. JENKINS. I yield.

Mr. CARTER of Wyoming. Did I understand the gentleman to say that, because the Director of the Budget comes from the State of Arizona, that might induce him to pass favorably upon this bill?

Mr. JENKINS. Yes; I said it and I think it would, and I know that the gentleman agrees with me that it would, and I thank him for his interruption.

Mr. CARTER of Wyoming. I just wanted to know if the gentleman said that.

Mr. JENKINS. Mr. Speaker, I yield to the gentleman from Wisconsin [Mr. PEAVEY], a member of the committee, although he is in opposition to my view on this proposition. I want to be fair and I yield to the gentleman 5 minutes.

Mr. PEAVEY. Mr. Speaker, I want to say to the gentleman from Ohio [Mr. JENKINS] who I know would not do any injustice to the Indians, that I am perfectly satisfied



if the gentleman had had an opportunity to sit on the Indian Affairs Committee with me for the last several months while we have been considering this proposition, he would be the last one today to oppose this bill.

The gentleman said that no one is to be injured directly and no one is to suffer directly if this bill is not enacted into law. I take issue with that statement because witnesses appeared before our committee that proved the contrary to be true. Thousands of dependent Indians who always have been loyal to the United States, who always have been peaceable, who have supported the United States during every Indian controversy on the border before the Civil War and since, are going to be dispossessed, not only of their homes but of an opportunity to raise crops and make a living, if this bill does not pass, thereby making it possible to revest these Indians with lands that have been taken up by the whites. That is the prime purpose of this bill, to revest these Pueblos with the irrigated lands taken from them by whites while under the guardianship of the United States.

Mr. JENKINS. Will the gentleman yield?

Mr. PEAVEY. I yield.

Mr. JENKINS. If the white man has taken Indian lands, is there not any opportunity for that Indian to go into court and defend his rights?

Mr. PEAVEY. I will answer the gentleman in this way: I am not a lawyer, and therefore I cannot answer the gentleman in legal phraseology, but as a practical proposition, he cannot from this standpoint: The white man is there. He is in possession of the land. He is able to hire lawyers to represent him in the courts. Those lawyers are in the courts today representing the white man. The Indian is destitute. Cases of the very nature which the gentleman spoke of are now before the United States Supreme Court. The Indians have not a dollar with which to defend themselves. What is the practical result of that situation? The gentleman knows as well as I do; the whites will get the land and the Indian will be dispossessed. I am not here fighting the whites nor fighting to raid the Treasury, but I am fighting to do justice to these Pueblo Indians, because the Government of the United States took over the guardianship of those Indians without their wish or consent, and have held it since 1848, and I maintain the Government owes the Indian that duty—to protect him in the ownership and possession of his land. That is simply a matter of justice.

The SPEAKER pro tempore. The time of the gentleman from Wisconsin [Mr. PEAVEY] has expired.

Mr. JENKINS. Mr. Speaker, I yield 2 minutes to the gentleman from Alabama [Mr. ALLGOOD].

Mr. ALLGOOD. Mr. Speaker, this legislation might have been good legislation back in 1924, but we are not now legislating in 1924. The conditions that confront the people of this Nation today are not the conditions that confronted us in 1924. We are running a tremendous deficit, and there are thousands of claims throughout this Nation, which claims are before the committees of this Congress, claims of individuals who have been done an injustice, and it has been proven, and yet we are not attempting to get these claims up and have them passed at this extra session of Congress.

I do not think at this time we should bring up and pass in 40 minutes a measure taking \$1,000,000 out of the Treasury, because this is no more an emergency than the difficulties confronting hundreds of other people who have claims against the Government. This session of Congress was called to take care of the entire Nation, not individuals, or States.

I am going to vote against the measure because it is not on the President's program of relief.

Mr. HOWARD. Mr. Speaker, will the gentleman yield?

Mr. ALLGOOD. I yield.

Mr. HOWARD. Does not the gentleman know that instead of taking \$1,000,000 out of the Treasury at this time the bill provides that no payment shall be made under this act until the fiscal year 1937, and only one third of it then?

Mr. ALLGOOD. Then why not wait until 1937 to pass it? If the money is not to be spent until 1937, why not wait

and bring it up at a regular session of Congress, when we can have a full discussion of the facts?

Mr. CHAVEZ. Is the gentleman more anxious than the Director of the Budget to save money for the country at the present time?

Mr. ALLGOOD. The Director of the Budget cut the soldiers deeper than we thought he would. If we are going to take money from the soldiers to balance the Budget, I am going to vote to take it from the other fellows, many of whom are not as much entitled to it as were some who lost a part or all of their pension.

Mr. CHAVEZ. The gentleman voted to cut the soldiers' benefits.

Mr. ALLGOOD. Yes; I voted for it.

Mr. CHAVEZ. I did not.

Mr. ALLGOOD. The fact that I did vote for the economy bill causes me today to stand here and oppose this measure. The soldiers and Government employees have been given reductions, and I intend to speak and vote against questionable appropriations of every nature. I dare say that 90 percent of the soldiers who were drawing pensions will uphold Congress in the Economy Act if this administration succeeds in bringing back prosperity, so that men and women will have jobs and so that farm products bring fair prices. The passage of measures of this kind, however, will keep the Budget unbalanced and will retard the return of prosperity.

Mr. JENKINS. Mr. Speaker, I yield the balance of my time to the gentleman from New York [Mr. TABER].

Mr. TABER. Mr. Speaker, it appears that in 1924 we passed a law which I have not had time to read since this debate started. It is about eight pages long. That law contained a provision under which this committee is seeking this further authorization. I have not had time to read the provision.

It appears that in a great many cases white folks went onto Indian lands and settled on them without authority of law. Although they paid them some money, they did not get good title. Now, is it up to the Government of the United States to protect those white folks any more than folks in New York City who buy land without taking pains enough to see they are getting good title?

Is it up to the Government of the United States to pay Indians for land which white folks paid them for in the first place, perhaps illegally, but paid them?

What is the situation? I tried to bring out just exactly what the situation was.

If this bill were confined to an authorization to pay people who went on this land and received patents for it from the United States Government, I should not object to it, but it does not appear what part of it is that way and what part of it is any other way.

It also appears that none of this money is to be paid under any circumstances until 1937. So 4 years will intervene between now and then. Why not wait until we can go into this situation carefully and have all the facts presented to Congress before we attempt to consider a piece of legislation of such importance?

One million dollars today is as great as, if not greater than, \$15,000,000 was in 1924.

We must not pass so important a bill as this with such brief consideration.

Mr. DOCKWEILER. Mr. Speaker, will the gentleman yield?

Mr. TABER. I yield.

Mr. DOCKWEILER. I see from the report on this bill that on page 5 one of the claimants is a man named A. Dockweiler, who is to be paid \$11.12. Later on the name appears again as the recipient of \$230.50.

I shall vote for this bill but I want to admonish the House that this is no relative of mine; I do not know him. In order to defend myself on this account and my seven brothers, I want to say that this man Dockweiler is no relation of ours. [Applause.]

Mr. HASTINGS. Mr. Speaker, will the gentleman yield for a question?



Mr. TABER. I yield.

Mr. HASTINGS. This is a controversy that has been pending in Congress for many years. It resulted finally in the act of June 7, 1924, I think it was, under which a board was created.

If the Membership of the House would take time to read the four pages of the report of the Secretary of the Interior and carefully consider it and the recommendation he makes, I do not believe there would be a single vote against this bill in the House.

It is an old controversy. It has extended over a period of years. Of course, on the floor of Congress, we cannot take up all the details of the controversy, but after the most mature consideration, after having a full report made by the Indian Bureau and the Secretary of the Interior, who is the one who administers the affairs of the Indians, this bill is presented. Further, may I say, it is approved by the Bureau of the Budget.

Mr. TABER. Mr. Speaker, I cannot yield further.

I call attention to page 17 of the report which speaks of the increase of compensation to the amount of \$761,954.88 for the parcels of land in question as being the difference between the appraised unimproved, present market value of the lands and the amount previously awarded. May I call attention to the fact that, instead of going up in value at this time, land has gone down in value?

Mr. HASTINGS. Will the gentleman permit me to say further that the prior Secretary of the Interior under the last administration, after giving detailed consideration to all of the facts, recommended favorable action upon this bill?

So, the former Secretary of the Interior, the present Secretary of the Interior, the former Commissioner of Indian Affairs, and the present Commissioner of Indian Affairs recommend favorable action upon this bill.

[Here the gavel fell.]

The SPEAKER pro tempore. The question is on the suspension of the rules and the passage of the bill.

The question was taken; and on a division (demanded by Mr. JENKINS) there were—ayes 80, noes 26.

So (two thirds having voted in favor thereof), the rules were suspended and the bill was passed.

#### RESOLUTIONS OF THE FLORIDA STATE LEGISLATURE

Mr. GREEN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. GREEN. Now, Mr. Speaker, I ask to revise and extend my remarks and to include therein resolutions from the Florida State Legislature.

There was no objection.

Mr. GREEN. Now, Mr. Speaker and my colleagues, Florida State Senate concurrent resolution no. 4 urges that Florida State road no. 82, from Lake City, Fla., to the Georgia State line, be included in Florida's allotment of roads entitled to Federal aid as a military road or otherwise. This is one of the most important highways in my State. It leads from the upper central portion of the State to northern points. It is important not only to Florida, but to other States.

Senate concurrent resolution no. 5 asks federalizing of State roads no. 2 and no. 23. It leads from Ocala, Fla., to Palmetto and Bradenton. While senate concurrent resolution no. 10 requests the same for Florida State road no. 50. It leads from near Jasper, Fla., to the Georgia State line. These last-named highways are also main highways in Florida and will add considerably to our national highways system.

The resolutions calling for these designations follow.

#### Senate concurrent resolution 4

A concurrent resolution requesting that State road no. 82 from Lake City and Columbia County, Fla., to the Georgia line, be included in the State of Florida's allotment of roads entitled to Federal aid as a military road or otherwise.

Whereas State road no. 82 running from Lake City in Columbia County, Fla., to the Georgia line is an existing highway, which has been substantially graded and improved as included in the

designation of State highways in the State of Florida in its State highway system, and

Whereas the location and route of said road is such as to make the same extremely valuable for the use of a military road in time of war and for use as a commercial highway at other times: Therefore be it

*Resolved by the Senate of Florida (the house of representatives concurring),* That the Legislature of the State of Florida respectfully calls the attention of the Senators and Representatives of the State of Florida in the Congress of the United States to said road no. 82 running from Lake City in Columbia County, Fla., to the Georgia line, and request the Senators and Representatives in the Congress of the United States from this State to present to the proper Federal bureau or department and to the Congress of the United States the advisability of having said road included in the system of roads in the State of Florida entitled to Federal aid as a military road or otherwise; be it further

*Resolved,* That a copy of this resolution under the great seal of the State of Florida be forwarded to each of the Senators and Representatives of Florida in the Congress of the United States, to be filed with said Congress of the United States and with the proper Federal bureau or department having jurisdiction of matters hereinbefore referred to.

Approved by the Governor of Florida May 10, 1933.

#### STATE OF FLORIDA,

##### Office Secretary of State, ss:

I, R. A. Gray, secretary of state of the State of Florida, do hereby certify that the foregoing is a true and correct copy of senate concurrent resolution no. 4 as passed by the Legislature of Florida, session 1933, and filed in this office.

Given under my hand and the great seal of the State of Florida, at Tallahassee, the capital, this 12th day of May A.D. 1933.

[SEAL]

R. A. GRAY, Secretary of State.

#### Senate concurrent resolution 5

Whereas State road no. 2 and State road no. 23 running from Ocala, Fla., to Palmetto and Bradenton, Fla., by the way of Belleview, Bushnell, Dade City, Plant City, and Oak Park, also from Coleman to Lakeland, via Bevilles Corner, Webster, is an existing highway which has been substantially graded and improved as included in the State highways in the State of Florida in its State highway system; and

Whereas, the location and route of said road is such as to make the same extremely valuable for use as a military road in time of war, and for use as a commercial highway at other times, and a valuable and useful highway for the transportation of vegetables throughout the section through which it traverses, enabling better marketing conditions for the growers of such fruits and vegetables; be it therefore

*Resolved by the Florida State Senate (the house of representatives concurring),* That the Legislature of the State of Florida respectfully calls to the attention of the Senators of the State of Florida and their Representatives in Congress of the United States to said State road no. 2 and State road no. 23, running from Ocala, Fla., to Palmetto and Bradenton, Fla., by way of Belleview, Bushnell, Dade City, Plant City, and Oak Park, also from Coleman to Lakeland, via Bevilles Corner and Webster, and request the Senators and Representatives in Congress of the United States from Florida to present to the proper Federal bureau or department and to the Congress of the United States the advisability of having said road included in the system of roads in the State of Florida entitled to Federal aid as a military road or otherwise; be it further

*Resolved by the Florida State Senate (the house of representatives concurring),* That the State Road Department of the State of Florida shall make request to all proper Federal boards, engineers, or commission to have placed upon and in the allotment State road no. 2 and State road no. 23, entitling such highway to Federal aid as a military road or otherwise; be it further

*Resolved,* That a copy of this resolution under the great seal of the State of Florida be forwarded to each of the Senators and Representatives of Florida in the Congress of the United States to be filed with said Congress of the United States and with the proper Federal bureau or department having jurisdiction of matters hereinbefore referred to and that a copy be forwarded to the membership of the State Road Department of the State of Florida for their immediate action and consideration.

Approved by the Governor of Florida, May 10, 1933.

#### STATE OF FLORIDA,

##### Office Secretary of State, ss:

I, R. A. Gray, secretary of state of the State of Florida, do hereby certify that the foregoing is a true and correct copy of senate concurrent resolution no. 5 as passed by the Legislature of Florida, session 1933, and filed in this office.

Given under my hand and the great seal of the State of Florida, at Tallahassee, the capital, this 12th day of May A.D. 1933.

[SEAL]

R. A. GRAY, Secretary of State.

#### Senate concurrent resolution 10

Whereas State road, that part of the State road no. 50, being the certain road beginning at State road no. 2 just west of Jasper, Fla., and running in a northerly direction to the Georgia line in the most direct and practical route, same being a part of the Suwanee Scenic Highway, is an existing highway which has been substantially graded and improved as included in the State highways in the State of Florida in its State highway system; and

Whereas the location and route of said road is such as to make the same extremely valuable for use as a military road in time



of war, and for use as a commercial highway at other times, and a valuable and useful highway for the transportation of vegetables throughout the section through which it traverses, enabling better marketing conditions for the growers of such fruits and vegetables: Be it therefore

*Resolved by the Florida State Senate (the house of representatives concurring),* That the Legislature of the State of Florida respectfully calls to the attention of the Senators of the State of Florida and their Representatives in Congress of the United States to said State road no. 50, being the certain road beginning at State road no. 2, just west of Jasper, Fla., and running in a northerly direction to the Georgia line in the most direct and practical route, same being a part of the Suwanee Scenic Highway, and request the Senators and Representatives in Congress of the United States from Florida to present to the proper Federal bureau or department and to the Congress of the United States the advisability of having said road included in the system of roads in the State of Florida entitled to Federal aid as a military road or otherwise; be it

*Further resolved by the Florida State Senate (the house of representatives concurring),* The State Road Department of the State of Florida shall make request to all proper Federal boards, engineers, or commission to have placed upon and in the allotment State road no. 50, being the certain road beginning at State road no. 2 just west of Jasper, Fla., and running in a northerly direction to the Georgia line in the most direct and practical route, same being a part of the Suwanee Scenic Highway, entitling such highway to Federal aid as a military road or otherwise; be it

*Further resolved,* That a copy of this resolution under the great seal of the State of Florida be forwarded to each of the Senators and Representatives of Florida in the Congress of the United States to be filed with said Congress of the United States and with the proper Federal bureau or department having jurisdiction of matters hereinbefore referred to and that a copy be forwarded to the membership of the State Road Department of the State of Florida for their immediate action and consideration.

Approved by the Governor of Florida May 10, 1933.

#### STATE OF FLORIDA,

##### Office of Secretary of State, ss:

I, R. A. Gray, secretary of state of the State of Florida, do hereby certify that the foregoing is a true and correct copy of senate concurrent resolution no. 10 as passed by the Legislature of Florida, session 1933, and filed in this office.

Given under my hand and the great seal of the State of Florida, at Tallahassee, the capital, this the 12th day of May A.D. 1933.

[SEAL]

R. A. GRAY, Secretary of State.

#### PER CAPITA PAYMENT TO THE MENOMINEE TRIBE OF INDIANS

Mr. HOWARD. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H.R. 4494) authorizing a per capita payment of \$100 to the members of the Menominee tribe of Indians of Wisconsin from funds on deposit to their credit in the Treasury of the United States.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized to withdraw from the fund in the Treasury of the United States on deposit to the credit of the Menominee Indians in the State of Wisconsin a sufficient sum to make therefrom a per capita payment or distribution of \$100, in two equal installments of \$50 each, immediately upon passage of this act, and on or about October 15, 1933, to each of the living members on the tribal roll of the Menominee tribe of Indians of the State of Wisconsin, under such rules and regulations as the said Secretary may prescribe.

With the following committee amendments:

Page 1, line 8, strike out "two equal installments of \$50 each" and insert "three installments, \$50"; in line 9, strike out the word "and" and insert "\$25"; and on page 2, line 1, after "1933", insert "and \$25 on or about January 15, 1934."

The committee amendment was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. HOWARD, a motion to reconsider the vote by which the bill was passed was laid on the table.

#### CLAIM OF DISTRICT NO. 13, CHOCTAW COUNTY, OKLAHOMA

Mr. CARTWRIGHT. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 73) to authorize the Comptroller General to allow claim of district no. 13, Choctaw County, Okla., for payment of tuition for Indian pupils.

The Clerk read the Senate bill as follows:

*Be it enacted, etc.,* That the Comptroller General is hereby authorized and directed to allow payment of claims of the public school district no. 13, Choctaw County, Okla., for tuition of Indian pupils during the fiscal year 1931, in the sum not to exceed

\$3,435.61, from the appropriation entitled "Indian schools, Five Civilized Tribes, Oklahoma, 1931."

Mr. MARTIN of Massachusetts. Mr. Speaker, I reserve the right to object. Will the gentleman explain what this is?

Mr. CARTWRIGHT. Yes. It authorizes the Comptroller General to allow a claim of district no. 13, Choctaw County, Okla., for payment of tuition of Indian pupils. In other words, the bill provides an authorization for the Comptroller to approve a contract for the payment of the tuition of 100 or more orphan Indian children who are now taken care of in a little orphan home in my district in Oklahoma. The money has already been appropriated, and this is simply an authorization.

Mr. HASTINGS. With the permission of my colleague from Oklahoma, let me say that this bill has passed the Senate. It passed the Senate at the last session of Congress. It was favorably recommended by the House Committee on Indian Affairs at the last session of Congress, and this identical Senate bill has been favorably reported by the House Committee on Indian Affairs and is H.R. 3853.

Mr. MARTIN of Massachusetts. What does the bill do?

Mr. HASTINGS. Let me say to the gentleman that it has a unanimous report from the House Committee on Indian Affairs, and the bill does this:

In Oklahoma and throughout the West where Indian pupils attend white schools there is an appropriation for a certain per capita allowance. This is true in all of the Western States. This is true in Oklahoma and was true in 1931, when this appropriation of \$350,000 was made to supplement the taxes of white schools for the attendance of Indian pupils, and is made in lieu of taxes not collected from nontaxable Indian lands.

The gentleman may not be as familiar as the Members from the West in this matter, but this appropriation has been made for a number of years.

In this particular case a certain number of Indian children were living at the old Goodland Orphan School. The school had been discontinued, but they were boarding there. They were sent over and attended an Indian district day school, and this is permitting the payment out of this appropriation that was made for that year the same amount that was paid for other Indian pupils who attended the same school.

Mr. MARTIN of Massachusetts. This comes out of the general Indian fund?

Mr. HASTINGS. It comes out of that appropriation.

Mr. MARTIN of Massachusetts. How much does it amount to?

Mr. HASTINGS. Three thousand four hundred and thirty-five dollars and sixty-one cents.

Mr. MARTIN of Massachusetts. I have no objection.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

#### AMENDING SECTION 1025 OF THE REVISED STATUTES

Mr. KURTZ. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 1582) to amend section 1025 of the Revised Statutes of the United States and consider the same.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

#### S. 1582

An act to amend section 1025 of the Revised Statutes of the United States

*Be it enacted, etc.,* That section 1025 of the Revised Statutes of the United States be, and the same is hereby, amended so as to read as follows:

"SEC. 1025. No indictment found and presented by a grand jury in any district or other court of the United States shall be deemed insufficient, nor shall the trial, judgment, or other proceeding thereon be affected by reason of any defect or imperfection in matter of form only, which shall not tend to the prejudice of the defendant, or by reason of the attendance before the grand jury during the taking of testimony of one or more clerks or



stenographers employed in a clerical capacity to assist the district attorney or other counsel for the Government who shall, in that connection, be deemed to be persons acting for and on behalf of the United States in an official capacity and function."

The SPEAKER pro tempore. Is there objection?

Mr. JENKINS. Reserving the right to object, I should like to ask the gentleman whether or not this bill had the thorough consideration of the Judiciary Committee—whether or not the membership of the Judiciary Committee was full when it was considered.

Mr. KURTZ. This is a bill passed by the Senate. We considered a similar bill and there was not a single vote against it.

Mr. McFARLANE. Will the gentleman from Pennsylvania explain the provisions of the bill?

Mr. KURTZ. I shall be glad to. Under the common law a district attorney was not permitted to be before the grand jury when a vote was taken on any indictment. Frequently a district attorney, unskilled in the practice, would remain before the grand jury while the vote was being taken. In cases of that kind the defendant's attorney could move to quash the indictment. Sometimes the statute of limitations was about to run and frequently the defendant would escape.

So most of the jurisdictions within the United States have passed laws permitting the district attorney to be in the grand jury room when the vote is taken on a particular bill. Some jurisdictions have not passed any laws providing for permission of any clerk or stenographer to be before a grand jury.

Frequently, it is absolutely essential in this day, and so this bill provides that a clerk or a stenographer may be present when the vote is taken.

Mr. GLOVER. Does the gentleman say that this provides that a stenographer or clerk may be present when a vote of the grand jury is taken?

Mr. KURTZ. Yes. This permits the clerk or a stenographer to be present.

Mr. GLOVER. While the vote on the indictment is being taken?

Mr. KURTZ. Yes. How could that have any influence on the vote by the grand jury.

Mr. GLOVER. Because it is a sacred place where they are dealing with the rights of the individual. The law does not allow the prosecuting attorney to be present in the grand jury room when the vote is taken. I think it is a safe rule. I have been a prosecuting attorney for 4 years, and I do not believe that the prosecuting attorney ought to be allowed in the grand jury room when the vote is being taken.

Mr. KURTZ. The prosecuting attorney in most jurisdictions today is permitted to be in the grand jury room when the vote is taken.

Mr. GLOVER. As far as I know, that is not the fact.

Mr. KURTZ. It could not be done, of course, under the common law.

Mr. McKEOWN. Will the gentleman yield?

Mr. KURTZ. I yield.

Mr. McKEOWN. There is no purpose here by this bill to influence any vote but to prevent irregularities.

Mr. GLOVER. Whenever any irregularity comes up in a grand jury room an indictment can be quashed and returned again in 10 minutes.

Mr. McKEOWN. The main purpose of this bill is simply to give the prosecuting attorney an opportunity to have a clerk or stenographer to take the testimony before the grand jury.

Mr. GLOVER. Oh, for the taking of testimony, yes; but this the gentleman says is to provide for their presence when they are voting on an indictment.

That is the gentleman's statement, and I am not going to vote for anything that will allow a stenographer or a prosecuting attorney or anybody else to be present when the grand jury is voting on the liberties of our people. What is the haste for taking this bill up at this time?

Mr. KURTZ. The chairman of the Committee on the Judiciary happens to be one of the managers on the part of

the House and is in the Senate on the Louderback impeachment.

Mr. GLOVER. I thought that that impeachment was to proceed from 9 o'clock until 12 o'clock every day.

Mr. KURTZ. It began at 12:30 o'clock today.

Mr. HOOPER. Mr. Speaker, will the gentleman yield?

Mr. KURTZ. Yes.

Mr. HOOPER. Has this bill been reported out during this session by the Committee on the Judiciary?

Mr. KURTZ. This is a bill that was passed by the Senate. We had a similar House bill, and it was reported out at this session.

Mr. HOOPER. When?

Mr. KURTZ. About 10 days ago.

Mr. HOOPER. I do not recall being present, and I think I have been present every meeting of the committee.

Mr. O'MALLEY. Mr. Speaker, as far as I can see, after reading this particular bill, there is nothing in it that could be construed to mean that a prosecuting attorney or clerk or stenographer could be present at the time the grand jury is voting on an indictment.

Mr. KURTZ. Not when they are voting, but when the testimony is being taken.

Mr. GLOVER. Mr. Speaker, I ask to see the bill. Since reading the bill I find that it does not correspond with what I understood the gentleman to state and what he did state to the House. The bill does not provide that they shall be there when the vote is being taken. Under the bill as I have read it, it only provides for taking testimony. I have no objection to it.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, was read the third time and passed, and a motion to reconsider laid on the table.

A similar House bill was ordered laid on the table.

The bills H.R. 2834 and 3853 were laid on the table, similar Senate bills having passed the House.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. CLAIBORNE, for 3 days, on account of illness.

To Mr. BERLIN, for Wednesday and Thursday, on account of important business.

To Mr. KEE, for 3 days, on account of business relative to the good of the State of West Virginia.

To Mr. PARKER of Georgia, indefinitely, on account of important business.

To Mr. BROOKS, for 3 days, on account of illness in his family.

#### TWENTIETH AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES

The SPEAKER pro tempore laid before the House a communication from R. A. Gray, secretary of state of the State of Florida, transmitting a resolution of the Legislature of the State of Florida, confirming the twentieth amendment to the Constitution of the United States.

#### SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 7. Providing for the suspension of annual assessment work on mining claims held by location in the United States and Alaska.

#### ADJOURNMENT

Mr. HOWARD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 3 o'clock and 11 minutes p.m.) the House adjourned until tomorrow, Tuesday, May 16, 1933, at 12 o'clock noon.

#### COMMITTEE HEARING

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE  
(Tuesday, May 16, 10 a.m.)

Continuation of the hearings on H.R. 5500—the Emergency Transportation Act, 1933.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

64. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated May 9, 1933, submitting a report, together with accompanying papers, on a preliminary examination of harbors at Glen Arbor and Glen Haven, Mich., authorized by the River and Harbor Act approved July 3, 1930; to the Committee on Rivers and Harbors.

65. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated May 9, 1933, submitting a report, together with accompanying papers, on a preliminary examination of Big Muddy River, Ill., authorized by the River and Harbor Act approved March 3, 1925; to the Committee on Rivers and Harbors.

66. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated May 9, 1933, submitting a report, together with accompanying papers, on a preliminary examination of Anahuac Channel, Tex., authorized by the River and Harbor Act approved July 3, 1930; to the Committee on Rivers and Harbors.

67. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated May 9, 1933, submitting a report, together with accompanying papers, on a preliminary examination of Anacortes Harbor and Cap Saute Waterway, Wash., authorized by the River and Harbor Act approved July 3, 1930; to the Committee on Rivers and Harbors.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. DICKSTEIN: Committee on Immigration and Naturalization. H.R. 3673. A bill to amend the law relative to citizenship and naturalization, and for other purposes; without amendment (Rept. No. 131). Referred to the House Calendar.

## REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. COFFIN: Committee on Military Affairs. H.R. 3032. A bill for the relief of Paul Jelna; without amendment (Rept. No. 129). Referred to the Committee on the Whole House.

Mr. THOMPSON of Illinois: Committee on Military Affairs. H.R. 363. A bill for the relief of James Moffit; without amendment (Rept. No. 132). Referred to the Committee of the Whole House.

Mr. THOMPSON of Illinois: Committee on Military Affairs. H.R. 371. A bill for the relief of Peter Guilday; without amendment (Rept. No. 133). Referred to the Committee of the Whole House.

Mr. THOMPSON of Illinois: Committee on Military Affairs. H.R. 541. A bill for the relief of John P. Leonard; with amendment (Rept. No. 134). Referred to the Committee of the Whole House.

Mr. THOMPSON of Illinois: Committee on Military Affairs. H.R. 1859. A bill for the relief of Albert D. Castleberry; without amendment (Rept. No. 135). Referred to the Committee of the Whole House.

Mr. THOMPSON of Illinois: Committee on Military Affairs. H.R. 2032. A bill for the relief of Richard A. Chavis; with amendment (Rept. No. 136). Referred to the Committee of the Whole House.

Mr. THOMPSON of Illinois: Committee on Military Affairs. H.R. 2670. A bill for the relief of James Wallace; without amendment (Rept. No. 137). Referred to the Committee of the Whole House.

Mr. THOMPSON of Illinois: Committee on Military Affairs. H.R. 2743. A bill for the relief of William M. Stoddard; with amendment (Rept. No. 138). Referred to the Committee of the Whole House.

Mr. THOMPSON of Illinois: Committee on Military Affairs. H.R. 3054. A bill for the relief of Christopher Cott; without amendment (Rept. No. 139). Referred to the Committee of the Whole House.

Mr. THOMPSON of Illinois: Committee on Military Affairs. H.R. 3553. A bill for the relief of Harvey O. Willis; without amendment (Rept. No. 140). Referred to the Committee of the Whole House.

## CHANGE OF REFERENCE

Under clause 2 of rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H.R. 4997) granting an increase of pension to Amanda E. Waldron, and the same was referred to the Committee on Invalid Pensions.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HOEPEL: A bill (H.R. 5626) to amend the act approved March 20, 1933 (Public, No. 2, 73d Cong.), to extend the benefits of domiciliary and hospital care to men discharged from the military service because of disease or injury incurred in line of duty; to the Committee on Military Affairs.

By Mr. JOHNSON of Texas: A bill (H.R. 5627) to amend the Tariff Act of 1922; to the Committee on Ways and Means.

By Mr. FLETCHER: A bill (H.R. 5628) to increase to \$7,000 the maximum amount which may stand to the credit of any one person in a postal-savings account; to the Committee on the Post Office and Post Roads.

By Mr. DICKSTEIN: A bill (H.R. 5629) to provide correction of status of aliens lawfully admitted without requirement of departure to foreign country; to the Committee on Immigration and Naturalization.

Also, a bill (H.R. 5630) to provide for review of the action of consular officers in refusing immigration visas; to the Committee on Immigration and Naturalization.

By Mr. HASTINGS: A bill (H.R. 5631) to authorize the Secretary of the Interior to place with the Oklahoma Historical Society at Oklahoma City, Okla., as custodian for the United States, certain records of the Five Civilized Tribes, and of other Indian tribes in the State of Oklahoma, under rules and regulations to be prescribed by him; to the Committee on Indian Affairs.

By Mr. KLEBERG: A bill (H.R. 5632) to supplement and support the Migratory Bird Conservation Act by providing funds for the acquisition of areas for use as migratory-bird sanctuaries, refuges, and breeding grounds, for developing and administering such areas, for the protection of certain migratory birds, for the enforcement of the Migratory Bird Treaty Act and regulations thereunder, and for other purposes; to the Committee on Agriculture.

By Mr. HOWARD (by departmental request): A bill (H.R. 5633) to permit relinquishments and reconveyances of privately owned and State school lands for the benefit of the Indians of the Acoma pueblo, N. Mex.; to the Committee on Indian Affairs.

By Mr. JOHNSON of Texas: A bill (H.R. 5634) to provide for the use of net weights in interstate and foreign commerce transactions in cotton, to provide for the standardization of bale covering for cotton, for the purpose of requiring the use of a domestic product, and for other purposes; to the Committee on Agriculture.

By Mr. McSWAIN: A bill (H.R. 5645) to amend the National Defense Act of June 3, 1916, as amended; to the Committee on Military Affairs.

By Mr. PATMAN: Resolution (H.Res. 144) requesting the Attorney General to make an investigation of the production, distribution, or exhibition of motion and sound pictures; to the Committee on the Judiciary.

By Mr. McSWAIN: Joint resolution (H.J.Res. 181) to authorize and direct the reexamination of all personal and corporate income-tax returns for the years 1930, 1931, and 1932; to the Committee on Ways and Means.



## MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of California, memorializing Congress to enact the Ludlow unemployment bill; to the Committee on the Judiciary.

Also, memorial of the Territory of Hawaii, memorializing Congress to place under the operation of the Hawaiian Homes Commission Act, certain parcels of land to be made available for allotment by the Hawaiian Homes Commission to native Hawaiians, and to enact and adopt a bill which will give effect to such purpose; to the Committee on the Territories.

Also, memorial of the Legislature of the State of Texas, memorializing Congress to so amend the Wagner bill that the Reconstruction Finance Corporation funds to be appropriated to the Texas Relief Commission may be used for the building of good roads in any section of the State which cannot use them more profitably in the work of reforestation, flood prevention, or soil erosion; to the Committee on Banking and Currency.

Also, memorial of the Legislature of the State of Wisconsin, relating to the allotment to the States of a part of the Federal excise tax on beer; to the Committee on Ways and Means.

Also, memorial of the Territory of Alaska, memorializing Congress in re regulations by the United States authorities to reduce the number of traps, and to prevent any person or company from having exclusive rights of fishery in False Pass and Ikatan Bay, and giving equal rights to all American purse seiners and gill netters while protecting the free flow of salmon through the False Pass stream; to the Committee on Merchant Marine, Radio, and Fisheries.

Also, memorial of the Legislature of the State of Wisconsin, relating to the bill of President Roosevelt for the refinancing home mortgages; to the Committee on Banking and Currency.

Also, memorial of the Legislature of the State of California, memorializing Congress to exempt from the provisions of legislation limiting hours of labor to 30 hours a week people engaged in the mining industry; to the Committee on Labor.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BACON: A bill (H.R. 5635) for the relief of Frank Kroegel, alias Francis Kroegel; to the Committee on Military Affairs.

By Mr. CHAVEZ: A bill (H.R. 5636) for the relief of Jose Ramon Cordova; to the Committee on Claims.

By Mr. KOPPLEMANN: A bill (H.R. 5637) for the relief of John J. Moran; to the Committee on the Post Office and Post Roads.

By Mr. McSWAIN: A bill (H.R. 5638) for the relief of James E. Daniel; to the Committee on Claims.

By Mr. SISSON: A bill (H.R. 5639) for the relief of Harriet V. Schlindler; to the Committee on Claims.

By Mr. SWEENEY: A bill (H.R. 5640) for the relief of Harry Morganstern; to the Committee on Military Affairs.

By Mr. THURSTON: A bill (H.R. 5641) granting an increase of pension to Emma L. Townsley; to the Committee on Invalid Pensions.

By Mr. UNDERWOOD: A bill (H.R. 5642) granting a pension to Mary Emma Bussard; to the Committee on Invalid Pensions.

By Mr. WALTER: A bill (H.R. 5643) to confer the Medal of Honor to Wilbert E. Bruder for service in the World War; to the Committee on Military Affairs.

By Mr. WILCOX: A bill (H.R. 5644) for the relief of William E. Fossett; to the Committee on Claims.

## PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1035. By Mr. BEITER: Petition of the members of the Order Sons of Zion, Buffalo, N.Y., protesting against uncivilized and shameful treatment accorded Jews in Germany; to the Committee on Foreign Affairs.

1036. Also, petition of the Erie County Committee, the American Legion, Buffalo, N.Y., opposing legislation enacted by Congress and orders and regulations issued thereunder by the Executive, and demanding repeal or modification of them with a view of securing plain and pure justice for the deserving disabled veterans; to the Committee on World War Veterans' Legislation.

1037. Also, petition of the Mystic Art Chapter, No. 568, Order of the Eastern Star, Buffalo, N.Y., protesting against any further economic steps being taken for disarmament; to the Committee on Economy.

1038. Also, petition of the Lake Erie Lodge, No. 343, Independent Order Brith Sholom, Buffalo, N.Y., protesting against the alleged barbaric treatment of Jews and other minorities in Germany; to the Committee on Foreign Affairs.

1039. By Mr. FOSS: Petition of the Massachusetts Department, Veterans of Foreign Wars, Boston, Mass., urging repeal of the Public Law No. 2, Seventy-third Congress; to the Committee on Economy.

1040. By Mr. GOODWIN: Petition and telegrams from Jewish resident citizens and members of the Jeffersonville Synagogue of Jeffersonville, Sullivan County; Sisterhood of Temple Emanuel, board of trustees of Temple Emanuel, and Men's Club of Temple Emanuel, Kingston; and Hudson Valley Zionist Region (Rabbi Maurice J. Bloom, president) Newburgh, all of the State of New York, protesting against the barbarities visited by the Hitler regime upon the Jews in Germany; to the Committee on Foreign Affairs.

1041. By Mr. JOHNSON of Texas: Telegram signed by R. L. Wheelock, H. R. Stroube, J. L. Collins, W. C. Stroube, J. N. Wheelock, G. C. Hudson, Roy Love, C. C. Albritton, O. L. Albritton, Will Thompson, and Wilbur Thompson, of Corsicana, Tex., urging the appointment of a Federal dictator for the oil industry; to the Committee on Interstate and Foreign Commerce.

1042. Also, telegram of Hon. Frank A. Woods, of Franklin, Tex., opposing Senate bill 1094; to the Committee on Banking and Currency.

1043. By Mr. JOHNSON of Minnesota: Petition of Brotherhood of Railroad Trainmen, Local 569, Duluth, Minn., opposing coordination of railroads; to the Committee on Interstate and Foreign Commerce.

1044. Also, petition of the Joe Paul Post, No. 334, Redby-Red Lake, Minn., that the regional offices of the Veterans' Administration be maintained and no change be made in their present status; to the Committee on World War Veterans' Legislation.

1045. By Mr. LUNDEEN: Petition of Kaniewski-Loss Post, No. 1852, Veterans of Foreign Wars, Department of Minnesota, urging Congress to increase postage on second-class mail to such amount that there will be no deficit; to the Committee on the Post Office and Post Roads.

1046. Also, petition of the Washington County Farmer-Labor Campaign Committee, asking for Federal aid for the construction and improvement of State highways; to the Committee on Roads.

1047. By Mr. RUDD: Petition of Industrial Chemical Sales Co., Inc., New York City, opposing the passage of House bill 3759; to the Committee on the Judiciary.

1048. Also, petition of E. E. Cady, Brooklyn, N.Y., favoring the passage of the Wilcox municipal refinancing bill; to the Committee on Banking and Currency.

1049. By Mr. SADOWSKI: Petition of 150 citizens of Detroit, Mich., protesting against the Hitler regime in Germany; to the Committee on Foreign Affairs.

1050. By Mr. SUTPHIN: Petition of the committee of American-Jewish citizens of the county of Monmouth, N.J., protesting against unjust, unwarranted, and inhuman exclusion of Jews from the civic, political, and professional life of the country (Germany) in which they have lived over 1,600 years and to which they brought untold glory and dis-

tion in every field of endeavor; to the Committee on Foreign Affairs.

1051. By Mr. SWEENEY: Petition of Mr. and Mrs. M. Lange, 9504 Adams Avenue, Cleveland, Ohio, protesting against the barbarities by the Hitler regime upon the Jews in Germany; to the Committee on Foreign Affairs.

1052. By the SPEAKER: Petition of the city of Chelsea, Mass., opposing the closing of the United States naval hospital located in Chelsea; to the Committee on Naval Affairs.

## SENATE

TUESDAY, MAY 16, 1933

(Legislative day of Monday, May 15, 1933)

The Senate, sitting as a court for the trial of articles of impeachment against Harold Louderback, judge of the United States District Court for the Northern District of California, met at 11 o'clock a.m. on the expiration of the recess.

The managers on the part of the House of Representatives appeared in the seats provided for them.

The respondent, Harold Louderback, with his counsel, Walter H. Linforth, Esq., and James M. Hanley, Esq., appeared in the seats assigned to them.

### CALL OF THE ROLL

Mr. ASHURST. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Copeland	Kendrick	Robinson, Ark.
Ashurst	Costigan	Keyes	Robinson, Ind.
Austin	Couzens	King	Russell
Bachman	Cutting	La Follette	Schall
Bailey	Dale	Lewis	Sheppard
Bankhead	Dickinson	Logan	Shipstead
Barbour	Dill	Long	Smith
Barkley	Duffy	McAdoo	Steiner
Black	Erickson	McCarran	Stephens
Bone	Fess	McGill	Thomas, Okla.
Bratton	Fletcher	McKellar	Thomas, Utah
Brown	Frazier	McNary	Townsend
Bulkeley	George	Metcalf	Trammell
Bulow	Glass	Murphy	Tydings
Byrd	Goldsborough	Neely	Vandenberg
Byrnes	Gore	Norris	Van Nuys
Capper	Hale	Nye	Wagner
Caraway	Harrison	Patterson	Walcott
Carey	Hastings	Pittman	Walsh
Clark	Hatfield	Pope	Wheeler
Connally	Hayden	Reed	White
Coolidge	Hebert	Reynolds	

The VICE PRESIDENT. Eighty-seven Senators have answered to their names. A quorum is present.

### WITNESSES SUBPENAED—REPORT OF SERGEANT AT ARMS

The VICE PRESIDENT. The Chair lays before the Senate sitting as a Court of Impeachment a communication from the Sergeant at Arms, which the clerk will read.

The legislative clerk read as follows:

SENATE OF THE UNITED STATES,  
OFFICE OF THE SERGEANT AT ARMS,  
Washington, D.C., May 15, 1933.

HON. JOHN N. GARNER,

Vice President and President of the Senate,

Washington, D.C.

MY DEAR MR. VICE PRESIDENT: There are attached hereto a list of witnesses for the Government submitted to me by the managers on the part of the House of Representatives, and a list of witnesses for the respondent submitted to me by his counsel, all of said witnesses to be subpenaed for the trial of Harold Louderback, United States district judge for the northern district of California.

There are also attached hereto original subpoenas personally served by me on the witnesses desired by both parties, said subpoenas being duly served and return made according to law.

Respectfully,

CHESLEY W. JUNEY,

Sergeant at Arms.

WITNESSES FOR THE GOVERNMENT IN THE IMPEACHMENT TRIAL OF HAROLD LOUDERBACK, UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF CALIFORNIA

Roy Bronson, San Francisco, Calif.; Francis C. Brown, San Francisco, Calif.; W. C. Crook, San Francisco, Calif.; Lloyd Dinkelspiel, San Francisco, Calif.; Harold A. Dittmore, San Francisco, Calif.; Guy H. Gilbert, San Francisco, Calif.; F. L. Guereña, San Francisco, Calif.; C. M. Hawkins, San Francisco, Calif.; Sam Leake, San Fran-

cisco, Calif.; Miss Dorothea A. Lind, San Francisco, Calif.; Paul S. Marrin, San Francisco, Calif.; H. H. McPike, San Francisco, Calif.; Fred C. Peterson, San Francisco, Calif.; Erwin E. Richter, San Francisco, Calif.; Sidney Schwartz, San Francisco, Calif.; John Douglas Short, San Francisco, Calif.; T. W. Slaven, San Francisco, Calif.; DeLancy C. Smith, San Francisco, Calif.; Addison G. Strong, San Francisco, Calif.; Delger Trowbridge, San Francisco, Calif.; J. A. Wainwright, San Francisco, Calif.; Randolph V. Whiting, San Francisco, Calif.; Jerome B. White, San Francisco, Calif.; Marion D. Cohn, San Francisco, Calif.; and Sidney M. Ehrman, San Francisco, Calif.

WITNESSES FOR THE RESPONDENT, HAROLD LOUDERBACK, UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF CALIFORNIA

Miss Grace C. Berger, San Francisco, Calif.; H. B. Hunter, San Francisco, Calif.; George N. Edwards, San Francisco, Calif.; Marshall B. Woodworth, San Francisco, Calif.; Samuel M. Shortridge, Jr., San Francisco, Calif.; John M. Dinkelspiel, San Francisco, Calif.; Herbert Erskine, San Francisco, Calif.; Morse Erskine, San Francisco, Calif.; Harry L. Fouts, deputy clerk United States court, San Francisco, Calif.; J. G. Reisner, San Francisco, Calif.; George D. Louderback, San Francisco, Calif.; Lloyd A. Lundstrom, San Francisco, Calif.; William H. Metson, San Francisco, Calif.; J. H. Zolinsky, San Francisco, Calif.; David K. Byers, San Francisco, Calif.; Sam Leake, San Francisco, Calif.; W. L. Glasheen, San Francisco, Calif.; A. B. Kreft, San Francisco, Calif.; Gerald W. Murray, San Francisco, Calif.; Brice Kearsley, Jr., Los Angeles, Calif.; Francis C. Quittner, Los Angeles, Calif.

The VICE PRESIDENT. The letter will be printed and the attached documents will be noted in the Journal.

### THE JOURNAL

The legislative clerk proceeded to read the Journal of the proceedings of May 15, when, on request of Mr. ASHURST and by unanimous consent, the further reading was dispensed with and the Journal was approved.

### HOURS OF DAILY SESSION

Mr. ASHURST. Mr. President, I ask the attention of the senior Senator from Oregon to an order which I am going to propose for consideration.

The VICE PRESIDENT. The Senator from Arizona presents an order, which the clerk will read.

The legislative clerk read as follows:

Ordered, That the daily sessions of the Senate sitting for the trial of the impeachment of Harold Louderback, United States district judge for the northern district of California, shall, unless otherwise ordered, commence at 10 o'clock in the forenoon.

The VICE PRESIDENT. Is there objection to consideration of the order?

Mr. McNARY. Mr. President, there is no implication that there will be a separation of the legislative business and the impeachment trial by reason of this proposal?

Mr. ASHURST. There is no suggestion of that kind; but, Mr. President, I am of opinion that from time to time there will arise the necessity for legislative business being transacted. I believe that the Senate sitting as a Court of Impeachment should convene at 10 o'clock and proceed with the taking of the testimony for at least 3 hours a day, and then, as necessity may arise, the Senate may proceed to the consideration of legislative business. It is not intended to have the trial of the impeachment wholly interrupt and suspend legislative business.

Mr. McNARY. It is the purpose, I understand, of the Senator to have the impeachment proceedings commence at 10 o'clock a.m. each day?

Mr. ASHURST. Yes; and run as long as conditions will permit.

Mr. McNARY. And that applies only to the matter now before the Senate?

Mr. ASHURST. Yes, sir.

Mr. McNARY. I have no objection to that.

The VICE PRESIDENT. The Chair will suggest that, of course, the order could be changed at any time the Senate sitting as a court may desire.

Mr. HEBERT. Mr. President, may I suggest to the Senator from Arizona that, unless necessity otherwise requires and a motion to the contrary be made, this case proceed throughout the day from the convening of the Senate at 10 o'clock in the morning without interruption.

Mr. ASHURST. I believe that is a very sensible and practical suggestion and a helpful one. It is the intention, I am sure, of the Senate to proceed with the trial with all possible decent haste and to suspend proceedings of the impeach-